

From: Leonard Gilroy
Sent: Thursday, January 26, 2017 3:26 PM
To: Rep07
Subject: Privatization & Government Reform Newsletter #29 - January 2017

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Privatization & Government Reform Newsletter
Issue No. 29 — January 2017

Edited by:
Leonard Gilroy, Director of Government Reform, Reason Foundation
Austill Stuart, Policy Analyst, Reason Foundation

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INFRASTRUCTURE: Federal Barriers to Private Capital Investment in U.S. Infrastructure

Before taking office, President Trump announced plans to pursue an ambitious program to foster private investment in aging U.S. public-sector infrastructure, including airports, highways, seaports, water-supply and wastewater treatment facilities. For the past 15 years, infrastructure investment funds, infrastructure companies and others have been eager to invest in U.S. public-private partnership (PPP) projects of this kind, but they have confronted a relatively small number of projects. According to a new Reason Foundation report, that problem stems from

two causes: state and local policymakers' unfamiliarity with PPP models and federal barriers to private capital investment in state and local infrastructure.

The report identifies thousands of potential project opportunities, in the form of existing airports, highways, seaports, water systems, etc. It then shines a spotlight on an array of federal obstacles that make it difficult, financially disadvantageous or impossible to do the kinds of PPP infrastructure renewal that take place routinely in Canada, Europe and Latin America.

» [FULL REPORT](#)

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CONTRACTING: Will Trump, Congress Try to Make the Federal Government Compete Again?

Given current federal policy toward outsourcing, the Trump administration and Congress have an opportunity to re-embrace competition. According to a new article by Reason's Austill Stuart, expanding federal competitive sourcing would benefit taxpayers by using competition to drive down costs and innovate in service delivery.

» [FULL ARTICLE](#)

» [return to top](#)

STATE GOV: Reviewing the Past Year in State Privatization

Amid a slow economic recovery since the end of the Great Recession, states continue to advance privatization and public-private partnership initiatives, according to Reason Foundation's *Annual Privatization Report 2016*. The report reviews developments in privatization and public-private partnerships in state government over the past year, with topics that include the status of state budgets, the private sector's expanding role in higher education, and the privatization of state liquor stores.

» [FULL REPORT: State Government Privatization 2016](#)

» [Annual Privatization Report 2016 homepage](#)

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PENSIONS: CalPERS Lowers Investment Return Assumption

The board of the California Public Employees Retirement System (CalPERS) sent shockwaves through the Golden State last month when it approved lowering its investment returns assumption from 7.5% to 7.0% over the coming years, a move that revealed the pension plan is billions more in debt than was previously recognized. In the short term, this change is going to mean increased pension contributions for the state and most local governments, which could potentially impact taxpayers through service cuts or tax increases. But as Reason's Leonard Gilroy writes in a recent *Orange County Register* column, there is a definite silver lining for taxpayers in the long term.

» [FULL ARTICLE](#)

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ENERGY: CAFE Standards in Plain English

While the original Corporate Average Fuel Economy (CAFE) standards sought to drive automotive innovation to curtail fuel consumption, the purview of current standards has been expanded to address emissions of greenhouse gases. In the process, the standards have become increasingly complex. In a new issue explainer, Reason's Baruch Feigenbaum and Julian Morris describe in plain English the development of the CAFE standards and how they function. They find that as the standards become more complex and administratively burdensome, legitimate questions arise as to their suitability for achieving fuel efficiency and environmental objectives.

» [FULL EXPLAINER](#)

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NEWS & NOTES

GAO Releases First Federal Fiscal Health Report: This month, the Government Accountability Office (GAO) released *The Nation's Fiscal Health: Action Is Needed to Address the Federal Government's Fiscal Future*, the first of a series of annual reports directed to Congress that provides a trajectory of federal spending and its largest drivers—Medicare, Medicaid, Social Security, Interest on the federal Debt and Defense programs—using alternative budget simulation

forecasts from the GAO and Congressional Budget Office (CBO). For all of these major drivers of spending, the report paints a grim picture, with "Trust Funds" for Social Security Disability, Medicare Hospital Insurance, and Social Security Old-Age and Survivors Insurance depleted over the next 10 to 20 years, and debt-to-GDP levels reaching their previous high of 106% between 2031 and 2041, depending on the simulation. The report also outlines other drivers of spending and revenues resulting from tax code changes specific to the year, as well as other areas of focus and policy proposals to aid in bringing debt-to-GDP levels closer to their 44% average. The full report is [available here](#).

Utah State Auditor Evaluates Impact of Rising Teacher Pension Costs : A recent report by Utah's state auditor outlined the severity of unfunded liabilities affecting the state's teacher pensions. While the required employer pension contributions rose sharply from 2008 to 2015 (nearly doubling from 12.72% of payroll to 22.19%), nearly half of those contributions are due to unfunded pension liabilities, a figure reaching \$204 million in 2015. The report notes that if the pensions were fully funded, the money currently dedicated to amortizing unfunded liabilities could be used to increase teacher pay by 14%, to double the amount of teacher aides, or to operate an additional 40 elementary schools. The full report is [available here](#).

Pew Releases Municipal Fiscal Landscape Report: In December, the Pew Charitable Trusts released the latest edition of its *Fiscal Landscape of Large U.S. Cities* . The two biggest sources cited for falling revenues in cities were property taxes—which grew for the sample of cities, on average, for the first time since 2009—and declines of intergovernmental transfers. On average, spending in the cities remains 1% below pre-recession levels. Average sales taxes grew 8.6%, the highest rate recorded by Pew since starting the report in 2007. Ranges of "Rainy Day funds" varied from 1% (Kansas City) to 28% (Boston), while averaging 22% across the sample. New debt issuances reached a five-year high for the group, with Chicago accounting for 22% of all new issuances. The full report is [available here](#).

Maine Privatizes Welfare-to-Work Program: Maine's Department of Health and Human Services (HHS) agreed to a four-year deal potentially worth \$62 million with New York-based nonprofit FedCap, to run the state's welfare-to-work program (previously known as ASPIRE). The contract is largely incentive-based, tying FedCap's pay to the performance of the nonprofit in placing the state's welfare recipients into jobs. As reported in the September 2016 edition of this newsletter, Maine looked to privatize ASPIRE after poor performance under state

operation led to a \$29 million fine from the federal government. More information is [available here](#).

PPP Ports of Entry Legislation Signed By President Obama : U.S. Rep. Henry Cuellar (D) and Senator Jeff Cornyn (R), both of Texas, introduced legislation allowing greater use of public-private partnerships at U.S. ports of entry as a means to improve efficiency and wait times while minimizing further taxpayer risk. Rep. Cuellar's House version was signed into law by President Obama on December 16th after passing votes in both chambers earlier in the month. The legislation allows the Commissioner on U.S. Customs and Border Protection to enter into contracts with individuals to provide customs, agricultural processing, border security and inspection services. More information is available [here](#) and [here](#).

Connecticut Nonprofits Cite \$1.3 Billion in Savings From Privatization: The Connecticut Community Nonprofit Alliance, a coalition of private nonprofit human service providers in the state, released figures in January claiming \$1.3 billion in savings over the next five years from privatizing many government services in the state, [according to the Connecticut Post](#). Mental health, substance abuse programs and programs for people with developmental disabilities provide the main areas of focus. The state faces a \$1.3 billion shortfall over the next fiscal year, which begins this July.

RFPs Issued for Fargo Moorhead Diversion Project: The Fargo Moorhead Area Diversion Project's Board of Authority sent out a request for proposals to four short-listed consortiums that responded to an earlier request for information—Lake Agassiz Partners (Meridiam/Walsh/AECOM), Red River Valley Partners (Fluor/Plenary/Ames/Barnard), Red River Valley Alliance (Acciona/InfraRed/North American Enterprises/Shikun & Binui), and Red River Partners (Graham/Parsons/Alberici/BBGI). As reported in the [August 2016 edition](#) of this newsletter, the \$1.8 billion diversion project—a joint effort between the Army Corps of Engineers and the states of North Dakota and Minnesota to control flooding on the Red River—involves two major components: the construction of a dam, to be handled by the Army Corps of Engineers, and a privately financed and constructed, 1,500 foot-wide diversion channel, which would be paid back over time by the states of North Dakota and Minnesota. The consortia face a fall 2017 deadline for submitting their proposals. More information is [available here](#).

New Ohio Law Allows Private Prisons to House State Inmates: Ohio [House Bill 185](#)—originally intended to modify the state's definition of arson, but ultimately modified to include language allowing Ohio state prisoners to be housed in

private prisons—passed the Senate in December and was subsequently signed by Gov. John Kasich. The bill passed the House early in 2016. In March 2015, the federal Bureau of Prisons chose not to renew a contract at a CoreCivic-operated private prison in Youngstown, a facility that supporters of the bill hope to utilize to help overcome the state's prison overcrowding problems. Ohio prisons are operating at 132% of capacity, according to inmate population figures released by the state's Correctional Institution Inspection Committee this May.

MBTA Agrees to New Union Deal, Halting Some Privatization Plans: The Massachusetts Bay Transportation Authority (MBTA) has agreed to the terms of a \$1.5 billion contract with the Carmen's Union Local 589, which represents 6,000 MBTA employees, including many in areas that had been considered for privatization, such as bus drivers and maintenance workers, as recent editions of this newsletter have reported. The deal does not affect cash counting, which Brinks recently took over, and MBTA still could pursue privatization in other areas, such as fare collection, maintenance, warehouse operations and expanded service hours. More information is available here.

NIGP Releases PPP Procurement Guidelines: In November, the National Institute for Government Purchasing (NIGP), a professional organization representing over 15,000 government procurement professionals in North America and abroad, released its guidelines for public procurement through public-private partnerships (PPP). The guidelines rest on 10 elements that guide the entire PPP process, from establishing principles for PPP use and feasibility to negotiation and contract administration. The guidelines are available here.

Tennessee Issues RFP for State Park Facilities: Last month, the Tennessee Department of Environment and Conservation issued a request for proposals seeking private partners to demolish, rebuild and ultimately manage an inn, restaurant and conference center at Fall Creek Falls, the most-visited of all Tennessee state parks. Officials hope that demolition on the estimated \$22 million project can begin late next year, with a target completion date sometime in 2020. More information is available here.

Mass. Supreme Judicial Court Affirms Mental Health Privatization Plan: Last month, Massachusetts' highest court affirmed the State Auditor's approval of privatizing government mental health services in the southeastern portion of the state, citing \$7 million in savings. The local SEIU chapter filed suit to stop the proposal, but the Supreme Judicial Court found that the proposal "comports with the requirements of the Pacheco Law," a longstanding law placing several

procedural hurdles before implementation of state privatization initiatives can proceed. More information is [available here](#).

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QUOTABLE QUOTES

"The Congress and incoming Administration face serious economic, security, and social challenges that will require difficult policy choices in the short term about the level of federal spending and investments as well as ways to obtain needed resources. They also face a government heavily leveraged in debt by historic norms and on an unsustainable long-term path. Decisions over the near term to enhance economic growth and address national policies need to be accompanied by a fiscal plan to put the national government on a more long-term sustainable path. I hope GAO's findings will serve to sound the alarm and spur a longer-term approach to help turn things around."

—Gene Dodaro, Comptroller General of the U.S., "[Press Release: GAO Issues First Annual Report on the Federal Government's Fiscal Health](#)," Government Accountability Office, January 17, 2017.

"We're in an environment where everyone is starting to think about the next downturn and what that's going to look like. A stress test is a tool for states to think about what types of programs they should commit to and how much to save now."

—Moody's Investors Service analyst Emily Raimos, cited in Liz Farmer, "[To Prepare for the Next Recession, States Take Stress Tests](#)", *Governing*, December 12, 2016.

"By definition and design, the A-76 process seeks to compare the costs of public sector versus private sector performance for essentially the same work performed in essentially the same way. Innovation occasionally found its way into the process, but generally only inasmuch as it supported the same operational approach. Yet, today, more so than at any time in the past, there is an opportunity to fundamentally change how work is done at almost every level to improve performance and cut costs. But that opportunity hinges on an organization's

ability to change and evolve, often by adopting new, digitally-driven models."

—Stan Soloway, "[It's Time to Bury A-76-It Worked Once, But Its Day Is Past](#),"
Government Executive, January 4, 2017.

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Additional Resources:

- [Reason Foundation privatization research archive](#)
 - [Annual Privatization Report 2016 homepage](#)
 - [Innovators in Action homepage](#)
 - [Privatization & Government Reform Newsletter archive](#)
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From: The Daily Signal

Sent: Sunday, April 23, 2017 11:53 AM

To: Rep07

Subject: CORRUPTION IN WASHINGTON IS 'WORSE THAN YOU THINK' | Election Results Gave This Union Millions | Sweden Accepted More Migrants Per Capita Than Any Other European Country | White House Moves Forward With Plan Government Employee Union Dubs 'Dangerous'

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TOP FIVE



**Congressman
Says Corruption
in Washington Is
'Worse Than You
Think'**

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Election Results Gave This Union Millions. Now State Lawmakers Are Looking Into Voter Fraud.

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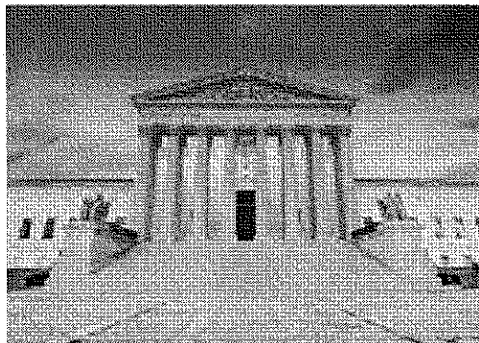
Sweden Accepted More Migrants Per Capita Than Any Other European Country. Why That's Changed.

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Trump White House Moves Forward With Plan Government Employee Union Dubs 'Dangerous'

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The Key Questions, Comments From Supreme Court Justices in Religious Liberty Case

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FLASHBACK



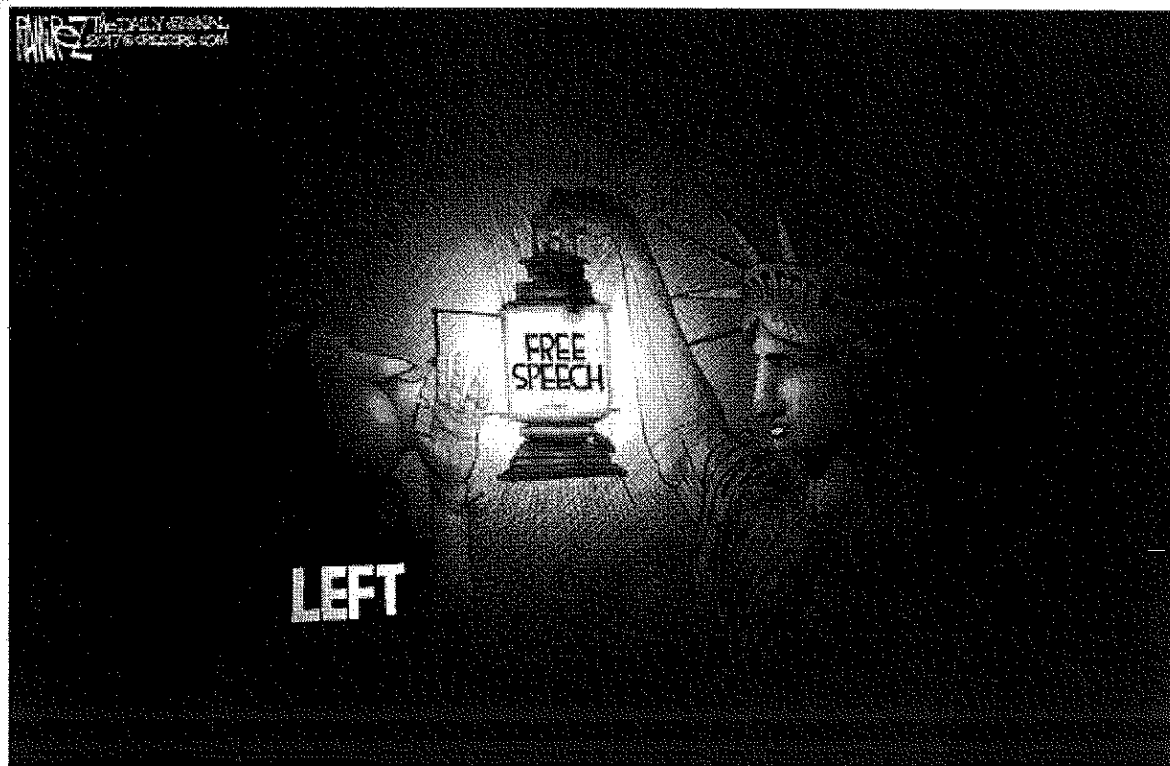
I'm a Lifelong Democrat. Here Are 3 Reasons I Pulled the Lever for Trump.

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From: Munsup @SISCOM Seoh
Sent: Wednesday, May 3, 2017 11:56 PM
To: 'Munsup @dkumc Seoh'
Subject: [mpen-cleveland] FW: "FW: Thanks for signing our petition!" & "GOP trying to STEAL our care" & "You kept the pressure on Fox and WON!" and more

FYI. Best, Munsup

P.S. Please reply back to me with 'unsubscribe' added to the subject line if you no longer want to receive my e-Newsletters. The convenient link to unsubscribe is no longer available due to security reasons to protect my email servers.

-
- FW: Thanks for signing our petition!
 - FW: Will AI's impact on jobs finally force Silicon Valley to grow up?
 - FW: Sign on in Support of College For All & Faculty Protections
 - FW: Sunday call: Celebrate 100 days of resistance!
 - FW: NYT Today's Headlines: G.O.P. Scrambles as a Crucial Voice Shuns the Latest Health Bill
 - FW: GOP trying to STEAL our care
 - FW: AlterNet Special Project: Help Us with Critical Trump Sanity Effort
 - FW: "President Trump proclaims May 'Jewish American Heritage Month'" & "Open Letter to UN Ambassador Nikki Haley on Our Report on Apartheid in Israel"
 - FW: You kept the pressure on Fox and WON!
 - FW: He was a kid.

From: "DCCC - FWD this
Subject: Thanks for signing our petition!

Thank you for signing our petition demanding that Donald Trump and his Republicans end their attacks on Obamacare!

We have one more favor to ask: Will you forward this to 3 friends?

Ask them to demand that Republicans stop attacking our healthcare:

<http://action.dccc.org/petition/stop-attacking-obamacare>

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(202) 863-1500 | www.dccc.org | Not authorized by any candidate or candidate's committee.

From: Rudy Fichtenbaum; President, AAUP

Subject: Sign on in Support of College For All & Faculty Protections

Access to free public higher education and strong protections for faculty? That's a bill we can get behind.

Last month the AAUP endorsed the College for All Act, introduced by Sen. Bernie Sanders and Rep. Pramila Jayapal, which would make four-year public college free for families making less than \$125,000 and community college free for all. Former students would be able to refinance their student loans with lower interest rates, easing the burden for those who may be struggling. The funding would come from a Wall Street speculation tax. The bill also includes provisions to increase the percentage of faculty jobs that are full-time and on the tenure track, compensate faculty on part-time appointments for work done outside the classroom, and support faculty access to professional development and shared governance.

Next month, AAUP members will meet with members of Congress as part of Capitol Hill Day during our Annual Conference. We'll be delivering a letter of support for the College for All Act to members of Congress.

Add your name to the letter now.

The College for All Act reaffirms a commitment to quality, public higher education as a right for all Americans. It will help current and former students tackle crippling debt by refinancing loans. Crucially for faculty, it would cut down on the abuse of adjunct labor and strengthen academic freedom protections by increasing the percentage of faculty positions that are on the tenure track.

The AAUP is proud to endorse the bill. Join us and add your name.

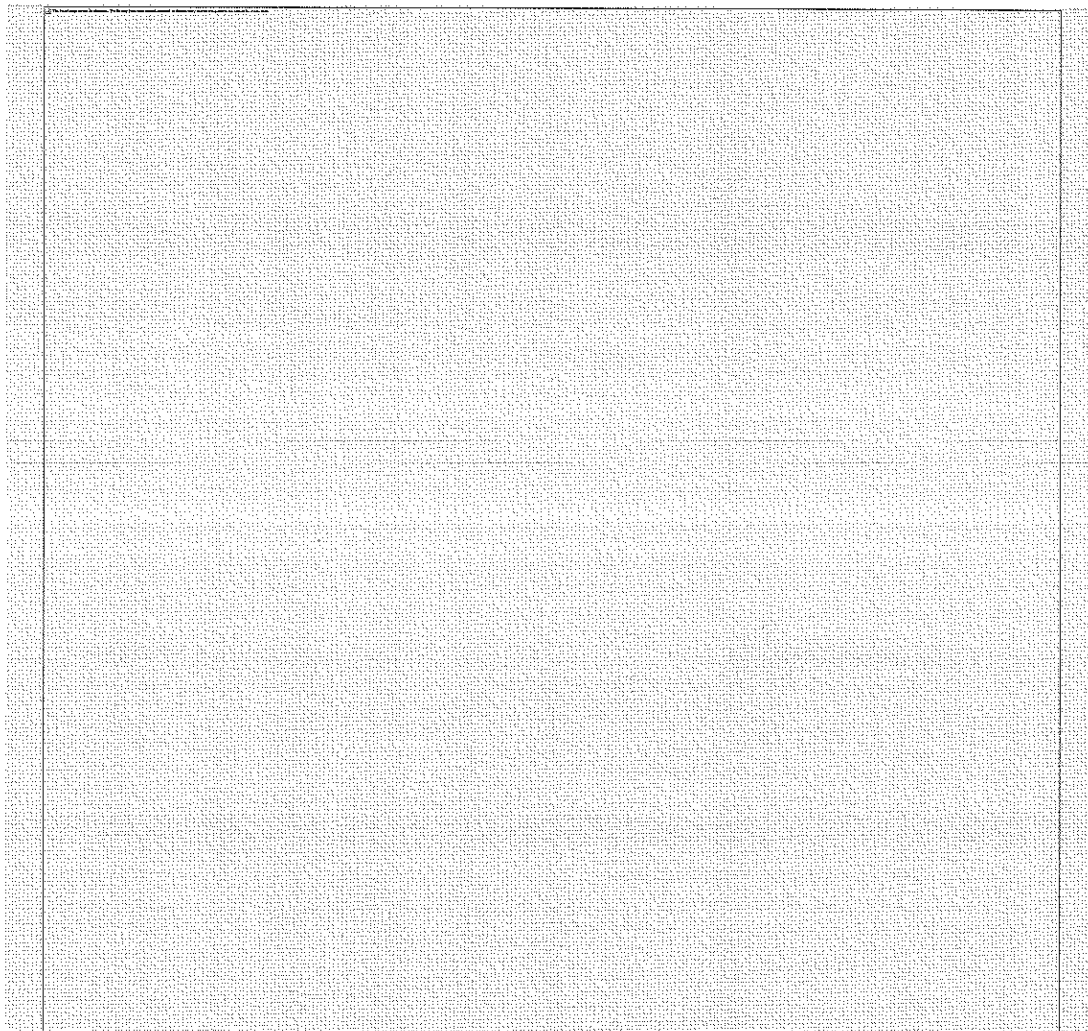


From: LinkedIn Learning [mailto:linkedin@e.linkedin.com]

Subject: Will AI's impact on jobs finally force Silicon Valley to grow up?

Will AI's impact on jobs finally force Silicon Valley to grow up?

Caroline Fairchild, Senior Editor, Technology and Startups at LinkedIn



179 people are talking about this

From: Victoria, Milan, Anna, Stephen, and the rest of the team; MoveOn.org Civic Action

Subject: Sunday call: Celebrate 100 days of resistance! (Reminder)

Thank you for signing up to join the Sunday evening Ready to Resist call series!

This Sunday marks 100 days in office for Donald Trump—a key stock-taking moment to see how an administration has done out of the starting gates. That's why **we've planned a special "100 Days of Resistance" movement call this Sunday** to reflect on our victories, lessons we've learned, and how we can trade in our sprinting spikes for marathon shoes, as MoveOn Executive Director Anna Galland recently put it!¹

This will be the last of the weekly series of Sunday calls. In June, July, and August, we'll host these monthly. You're already on the list to get reminders for all Ready to Resist future calls; if you would like to stop reminders for future calls, [click here to change your status](#).

To join:

You'll receive a phone call on Sunday, April 30 at 8 p.m. ET (7 CT/6 MT/5 PT) at the number you provided when you subscribed to these calls. It will come from [202-750-5203](tel:202-750-5203), in case you want to save the contact in your phone.

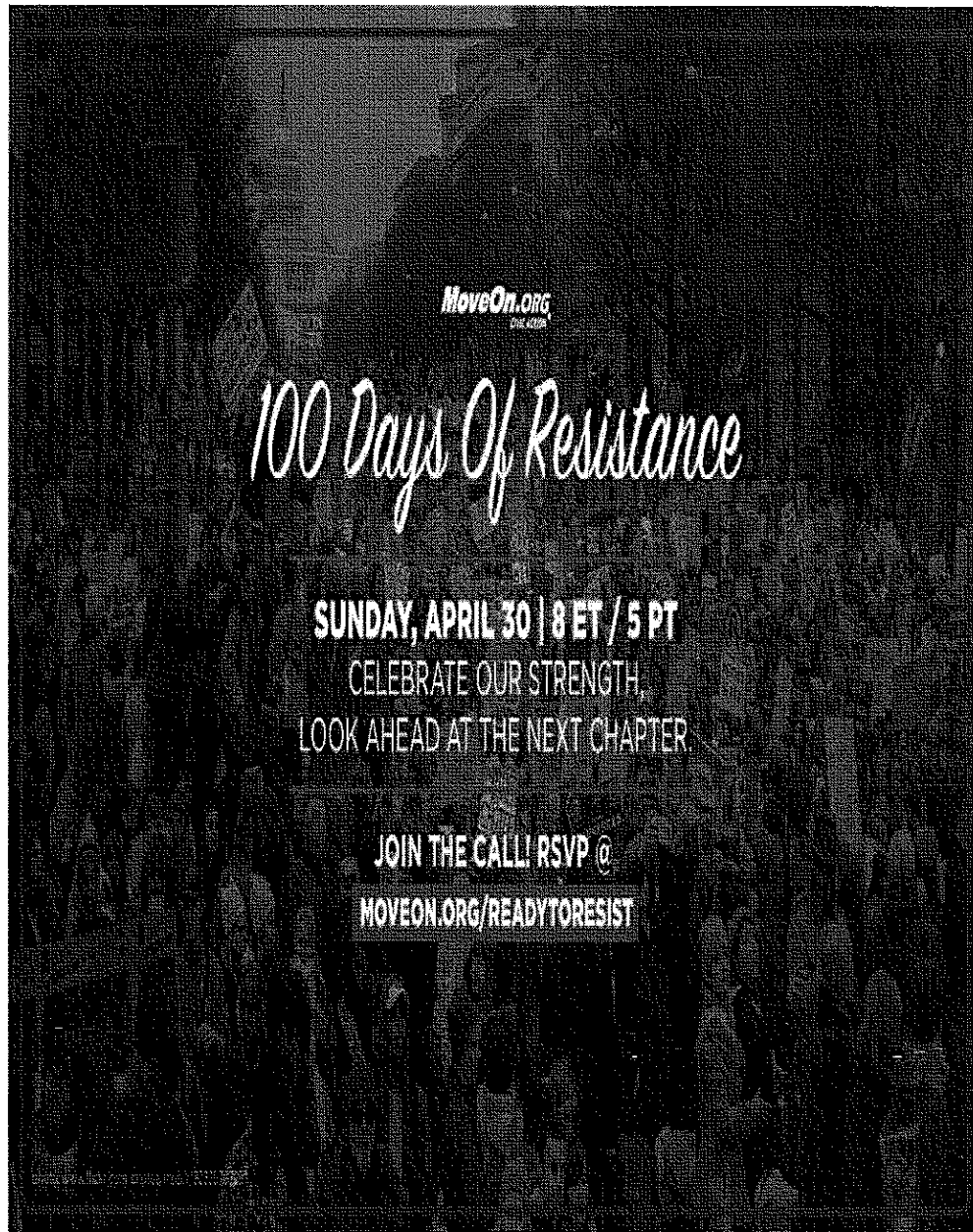
You can also listen in, follow the slideshow, and ask questions via the livestream of the call at moveon.org/readytoresist starting at 8 p.m. ET (7 CT/6 MT/5 PT).

If you'd like to change the phone number you want us to dial for the call, you can do so by re-registering at moveon.org/readytoresist before 4:30 p.m. ET (3:30 CT/2:30 MT/1:30 PT) Sunday. **If you'd like to remove yourself** from the RSVP list to this and future calls, [click here to change your status](#).

Can you let your friends know about Sunday's call?

[Click here to share info about the call on Facebook.](#)

[Click here to share info about the call on Twitter.](#)



One day after the People's Climate March and one day before the May 1 mobilizations, this week's call is a bit different, and special. Instead of the usual two or three main trainers, we'll be joined by leaders from across the movement and around the country to each share brief stories of victories they've been a part of, from winning state-level climate change and green jobs legislation to getting Bill O'Reilly off the air. **Check out this powerhouse lineup:**

- **Mary Kay Henry**, international president of the 2 million-member Service Employees International Union (SEIU), will remind us how we won round one in the fight to protect our health care, and how we can win round two this week.
 - **Rashad Robinson**, executive director of Color of Change, will break down the successful campaign to oust Bill O'Reilly from Fox News.
 - **Heather Booth**, a legendary activist with decades of experience running and winning strategic campaigns, will help us prepare for longevity in the resistance movement and the battles ahead.
 - **Cory Choy**, a weekly volunteer with the Ready to Resist calls, who has spoken to hundreds of people prior to bringing their questions live to our guest speakers.
 - **Elizabeth Zeldin**, first-time organizer who led the rally that helped convince Senator Chuck Schumer to oppose Trump's cabinet appointments.
 - **Marisa Franco**, director of Mijente and leader of the "Not 1 More" deportation campaign, will prepare us for the May 1 actions the next day.
1. **Reverend Tony Pierce**, board president of Illinois People's Action, will share a state-level victory for green jobs recently won in Illinois and report back from the People's Climate March in Washington, D.C.
 2. **Natalia Aristizabal**, with Make the Road New York, who was among the first people to arrive at JFK International Airport to protest Trump's Muslim ban and provide support to people unlawfully detained or at risk of deportation, will speak about the power of acting with principle.
 3. **Mehrdad Azemun**, campaigns director at People's Action, will host the call.

Remember waking up to news that Trump had issued the Muslim ban, then falling asleep to victory rallies erupting at airports after a judge blocked the ban? Or turning the promise to repeal the health care law that gives millions of people life-saving coverage into a political non-starter during the February Resistance Recess? These months have been packed with threats, but also with passionate, innovative resistance, with us rising to the moment and confronting each new challenge. And more than anything else, it's shown us the power of a community. We can't do anything without each other.

This Sunday's Ready to Resist call will be a moment to step back and take stock of what we've accomplished in the first 100 days, since the first Ready to Resist call came on the heels of the Women's March, the largest day of protest in U.S. history.

As the first 100 days of the resistance come to a close, **this will be the last of the weekly series of Sunday calls. In June, July, and August, we'll host these monthly.** You're already on the list to get reminders for all Ready to Resist future calls; if you would like to stop getting these reminders, [click here to change your status](#).

Don't miss the chance this Sunday to digest the last few months with fellow MoveOn members and resistance leaders. Join amazing speakers to learn the best of the last three months, from the ongoing battle to defeat Trumpcare, to the people-powered rejection of the Muslim ban and racist border and immigration policy, to laying the groundwork for an electoral earthquake in 2018.

So let's come together to look back and prepare ourselves for the next chapter of the Resistance.

P.S. To prepare for the struggles ahead it's important to reflect on where we've been. **Check out this video recap of 100 days of resistance.**

Source:

1. "100 Days: Trump's Rocky Start Fires Up Dazed Dems," RealClearPolitics, April 26, 2017
<http://act.moveon.org/go/9788?t=8&akid=D182114.1195276.oYAbY1>

Want to support our work? The MoveOn community will work every moment, day by day and year by year, to resist Trump's agenda, contain the damage, defeat hate with love, and begin the process of swinging the nation's pendulum back toward sanity, decency, and the kind of future that we must never give up on. And to do it we need your ongoing support, now more than ever. **Will you stand with us?**

[Donate monthly](#) [Or make a one-time gift](#)

Contributions to MoveOn.org Civic Action are not tax deductible as charitable contributions for federal income tax purposes.

From: ***The New York Times***

Subject: NYT Today's Headline: G.O.P. Scrambles as a Crucial Voice Shuns the Latest Health



Bill

G.O.P. Scrambles as a Crucial Voice Shuns the Latest Health Bill

By THOMAS KAPLAN and ROBERT PEAR

Representative Fred Upton of Michigan said he opposed the new version of the bill because it "torpedoes" protections for people with pre-existing medical conditions.

From: Action Alert - The team at Civic Action

Subject: GOP trying to STEAL our care

The GOP is trying to steal your healthcare ~~7~~ 0 AGAIN.



If Trump and the GOP pass this disastrous attempt to repeal Obamacare, 24 million people are estimated to lose their care. People with pre-existing conditions will lose their care. People *will* die... all because Trump and Ryan want to give their rich buddies tax cuts.

We need you to contact your representatives and tell them
"HANDS OFF MY HEALTHCARE" >>

CONTACT YOUR REPS NOW >>

It's not enough that the Republicans can't create a positive vision for America -- they have to destroy *everything* President Obama achieved. And they're willing to sacrifice **your** health care to do it.

Don't let it happen, Munsup.

CONTACT YOUR REPS NOW >>

This isn't the first time the GOP has tried to steal our health care. Civic Action stopped them once, we know we can stop them again -- but we can't do it without you.

Please -- if you care about our future, contact your representatives immediately:

<https://act.civicaction.com/co/TrumpCare>

They're really trying to kill us

Paid for by Civic Action

From: Don Hazen; Executive Editor, AlterNet

Subject: AlterNet Special Project: Help Us with Critical Trump Sanity Effort

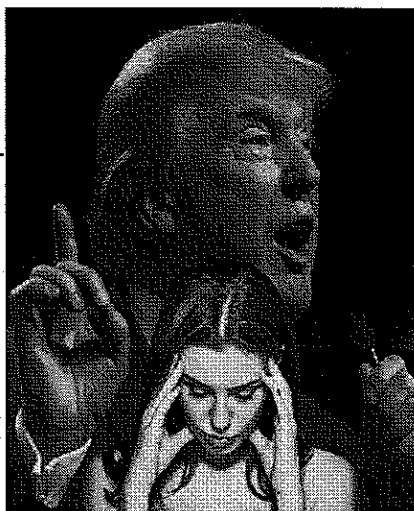
This is a very intense time for many of us. The fallout from the election of Donald Trump has been disorienting and created psychological issues for millions.

There are many reports of people headed to therapy, turning to anti-depressants, suffering panic attacks and more. Many people live in deep and justifiable daily fear of Trump's policies. Post-Trump Stress Disorder is very real.

In response, AlterNet is creating a handbook: "How to Stay Sane in the Time of Trump." It will be a practical, hands-on guide—an ebook readily accessible online, as well as a printed version. We are appealing to you, one of our core supporters, for help to make it happen.

Please make a contribution if you can.

We are just at the beginning of what is likely to be a long political nightmare. Trump's lies, exaggerations, cruel attacks and rampant narcissism have created an environment of fear and trauma. Many people are worried about the rise of authoritarianism as facts are made irrelevant, and lies and disinformation become the norm.



Support AlterNet

People need all the help they can get—in terms of political organizing as well as emotional support.

Our goal is to offer sound advice from smart and sensitive professionals about how people can take care of themselves. To remain sane in the face of insanity is itself a form of resistance.

We have already published dozens of articles on the psychological and political issues and have a team of experts eager to help us with the guide. We only need roughly \$15,000 to make this project happen.

AlterNet staff will work on the project as part of their regular jobs. The extra cash will fund experts' writing and travel, design of the book, and printing costs. We want to make the book available as affordably as possible, or free **if we get enough support.**

P.S. AlterNet is a 501(c)(3) non-profit organization. **Your contribution today is 100% tax-deductible.**

From: Judy Burnette

Subject: FW: "President Trump proclaims May 'Jewish American Heritage Month'" & "Open Letter to UN Ambassador Nikki Haley on Our Report on Apartheid in Israel"

1. 1) <http://www.jpost.com/Diaspora/President-Trump-Proclaims-May-Jewish-Heritage-Month-489294>
2. 2) https://www.thenation.com/article/open-letter-to-un-ambassador-nikki-haley-on-our-report-on-apartheid-in-israel/?utm_source=Sailthru&utm_medium=email&utm_campaign=DAILY_2017_04_26&utm_term=daily

From: Nita, Shaunna, Kat, Karin, Adam, Holly, Kathy, Onyi, Susan, Anatheia, Audine, Shannon, Megan, Emma,

PaKou, Pilar, Natalie, Melody, and Pam, the UltraViolet team, UltraViolet

Subject: You kept the pressure on Fox and WON!

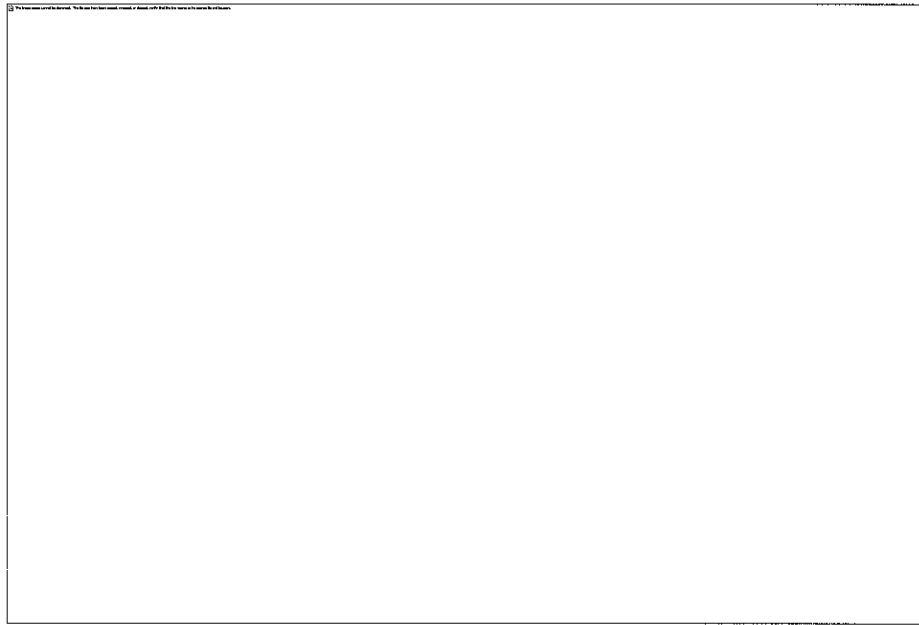
UltraViolet members just got *another* major player at Fox News, co-President Bill Shine, fired.

First, we took on serial sexual predator and former CEO Roger Ailes. Then, we helped force out Bill O'Reilly after news broke that Fox News paid millions to silence women he harassed. Today, their accomplice in covering up the harassment, co-President Bill Shine, has been forced out too.

Over 88,000 UltraViolet members joined allies like Color of Change and NOW in calling on Fox to fire O'Reilly and Shine. After O'Reilly was fired, you persisted with hundreds of calls.

Together, we revealed the fact that O'Reilly was just a symptom of a larger problem and held Fox accountable for their toxic culture of harassment--it paid off!

Check out this page to see more about what UltraViolet members and our allies did to win--and then share so your friends see what you accomplished!



This victory put other sexual predators on notice--no matter what your job title is or how much money you make, there will be consequences for abusing women.

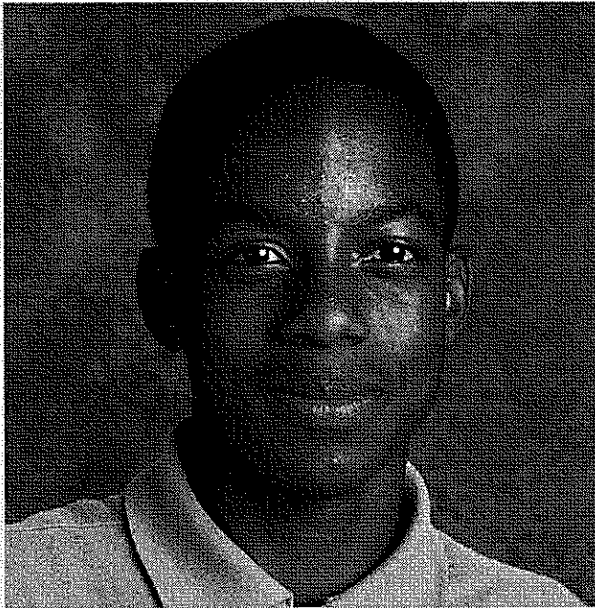
Sources:

1. Fox News Co-President Bill Shine Resigns, NPR, May 1, 2017

Want to support our work? UltraViolet is funded by members like you, and our tiny staff ensures small contributions go a long way. **Chip in here.**

From: Rashad, Arisha, Scott, Anay, Clarise, Enchantia, Malaya, Katrese, and the rest of the Color Of Change team
Subject: He was a kid.

Jordan Edwards did not deserve to die.



Demand the officer who killed him is fired and criminally charged.

TAKE ACTION!

He was a kid. Only 15 years old. An honor roll high school freshman in Balch Springs, Texas. His family described him as a "loving child with a humble and sharing spirit."¹ **But no matter what kind of grades he had, we know one thing: he didn't deserve to die.**

On Saturday night, Jordan Edwards left a party with his friends at the same time that police arrived--responding to a call about "drunken" teenagers walking around. One of the officers fired a rifle at the car Jordan was a passenger in, striking and killing him.² His brother, who was in the car with him, watched him die right before his eyes. **The police chief, Jonathan Haber, tried to justify the killing and claimed the car was backing down the road "in an aggressive manner= 2 towards the officers.**³

But that was a lie. After reviewing police dash-cam footage, the police chief revealed the car was actually *driving away* from officers.⁴

Demand the Balch Springs police officer is fired and criminally charged for the killing of Jordan Edwards.

Regardless, the officer violated Balch Springs PD's official use-of-force policy which states that officers facing an oncoming car should "attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants."⁵ **Yet, the officer who shot and killed Jordan is still employed**, on paid administrative leave, and Balch Springs PD is protecting the officers' identity and keeping it secret. Dallas County Sheriff's Department and the Dallas County District Attorney's Office are investigating this incident to determine criminal charges, but that's not enough. Time and time again, officers get away with murder and face no accountability. **The family of Jordan Edwards is demanding that the officer be fired AND criminally charged.** Will you join their call for justice and sign the petition?

Jordan Edwards didn't deserve to die. Sign the petition to fire and criminally charge the officer who killed him.

This keeps happening--and it's sickening. A family suffers and mourns the loss of a loved one because of police officers' cruel and thoughtless actions. Then they are left seeking answers and justice that often never comes. Police violence continues to harm our communities at an alarming rate. **Jordan Edwards is the 105th Black person to be killed by police this year--and we are only five months into 2017.**⁶

Just the mere presence of a Black person is deemed threatening to officers. We've seen this time and time again. In Ohio, a 12 year old Tamir Rice, a Black boy just playing with a toy in a park, gunned down by police. Officer not charged. In Baltimore, six officers assaulted and killed Freddie Gray while in custody. All officers acquitted. In Ferguson, Darren Wilson killed unarmed 18-year-old Michael Brown who had his hands raised. Officer not charged. In New York City, NYPD officer Daniel Pantaleo killed Eric Garner by putting the unarmed 43-year-old Black man in a chokehold. Officer not charged. The story repeats itself, and we need this to stop now.

Tell Balch Springs Police Chief Jonathan Haber and Dallas District Attorney Faith Johnson: Hold the officer who killed Jordan Edwards accountable--fire and charge them.

Jordan Edwards and his family deserve justice. Jordan should still be alive, going to school, hanging out with friends, happy with his family. With an ever increasing white supremacist, right-wing agenda set by local

and national elected leaders, desperate to control and criminalize Black people -- the attack on our communities is staggering and frightening. As we see with the Trump Administration's push to validate police departments' awful behavior and wipe away all transparency and accountability. We must put an end to state violence. Black people deserve the right live freely with dignity.

Sign the petition.

References:

1. "15-year-old's brother watched him die after police shooting, family says," The Dallas Morning News, 05-01-2017
<https://act.colorofchange.org/go/7851?t=8&akid=7379.239715.ZV6twO>
2. Ibid.
3. "Police chief reveals new details about officer who fatally shot Texas teen," CBS News, 05-02-2017
<http://act.colorofchange.org/go/7852?t=10&akid=7379.239715.ZV6twO>
4. Ibid.
5. Ibid.
6. "Mapping Police Violence," mappingpoliceviolence.org, retrieved 05-02-2017
<https://act.colorofchange.org/go/7854?t=12&akid=7379.239715.ZV6twO>

Color Of Change is building a movement to elevate the voices of Black folks and our allies, and win real social and political change. **Help keep our movement strong.**

From: The Daily Signal

Sent: Saturday, May 6, 2017 12:38 PM

To: Rep07

Subject: NEIL GORSUCH ALREADY MIRRORING SCALIA | Home Caregivers Identify Evidence of Voter Fraud in Bid to Oust Union | Promises Kept, and Not Yet Kept, in Trump's First 100 Days | Underreported: How Building a Border Wall Changed San Diego

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TOP FIVE

May 6, 2017



Home Caregivers Identify Evidence of Voter Fraud in Bid to Oust Union

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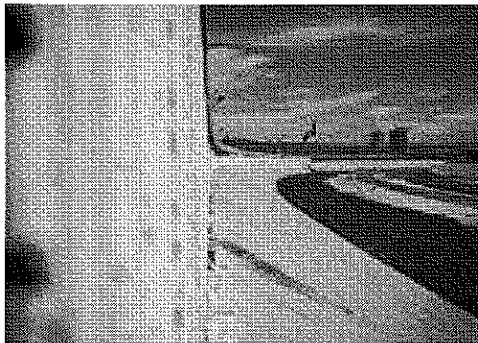
In His First Criminal Cases, Neil Gorsuch Already Mirroring Scalia

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Promises Kept, and Not Yet Kept, in Trump's First 100 Days

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Conservatives Fight for Free Speech at a Far-Left College

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FLASHBACK



Obama Tried to Make Nice With Rebellious Students. It Backfired Miserably.

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From: Public Policy Law360
Sent: Friday, August 25, 2017 5:35 AM
To: Rep07
Subject: Anti-Trump Website Host Ordered To Give DOJ Protester Info



Friday, August 25, 2017



TOP NEWS

Anti-Trump Website Host Ordered To Give DOJ Protester Info

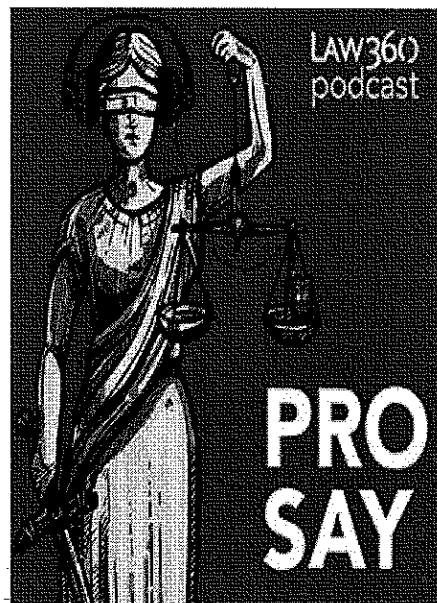
A D.C. judge ordered internet hosting service DreamHost Inc. on Thursday to comply with a federal search warrant seeking data from a website that organized anti-Trump protests during this year's presidential inauguration, though the judge agreed to supervise the process amid First Amendment concerns. [Read more »](#)

Mass. 1st Amendment Row Over Anti-SLAPP Law Might Settle

The parties in a suit that could have reshaped First Amendment rights in Massachusetts said in a filing Wednesday that they're close to settling the dispute over alleged defamation linked to architectural renderings of a dream home. [Read more »](#)

Texas Judge Denies NAACP Bid To Intervene In EEOC Case

A Texas federal judge on Wednesday denied a bid by the NAACP Legal Defense Fund and other groups to intervene in the state's challenge of U.S. Equal Employment Opportunity Commission guidance on the use of criminal background checks in hiring, rejecting their claim that the Trump



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administration would cede the case. Read more »

Analysis

DC Circ. Ruling Sets Stage For Longer, Costlier FERC Reviews

The D.C. Circuit's recent ruling that the Federal Energy Regulatory Commission should have analyzed downstream greenhouse gas emission impacts before approving a natural gas pipeline to Florida will force the agency to more fully address climate change in future project reviews, making the approval process longer and more expensive for developers, experts say. Read more »

CBO Stresses Its 'Culture Of Objectivity' On ACA Repeal

The Congressional Budget Office on Thursday pushed back against questions about its objectivity on Affordable Care Act repeal efforts, releasing an unusual letter to a Republican congressman who has criticized the nonpartisan agency. Read more »

Fried Frank Partner Tapped As New DOJ Antitrust Deputy

The U.S. Department of Justice has brought in another deputy assistant attorney general for its Antitrust Division, with the agency on Thursday confirming the addition of former Fried Frank Harris Shriver & Jacobson LLP partner and Federal Trade Commission veteran Bernard A. Nigro to its ranks. Read more »

ENERGY & ENVIRONMENTAL

DOE Electricity Grid Study Points To Impact Of Gas On Coal

A politically charged report on the nation's power grid reliability published by the Department of Energy late Wednesday found that natural gas has been the driving factor in

Chaffe McCall
Cleary Gottlieb
Cohen Milstein
Covington & Burling
Cravath Swaine
Davis Polk
Day Pitney
Drinker Biddle
Earthjustice
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Morgan Lewis
Murray & Murray
Paul Hastings
Paul Weiss
Pepper Hamilton
Pillsbury Winthrop
Polsinelli
Potter Anderson
Proskauer Rose

pushing nuclear and coal plants toward retirement. Read more »

BLM To Fix 'Narrow Deficiencies' In Water Project Approval

A federal judge on Wednesday concluded that the U.S. Bureau of Land Management mostly fulfilled its duties in deciding to allow the Southern Nevada Water Authority to build the first phase of a water redistribution pipeline project meant to transport millions of gallons of water across the state, but he told the agency to fix some "narrow deficiencies." Read more »

Summit Sues Feds For Defunding Clean Energy Project

Summit Texas Clean Energy LLC hit the federal government with a suit on Wednesday alleging the U.S. Department of Energy breached an implied duty of good faith when it publicly withdrew its support for the company's project designed to capture and store carbon dioxide. Read more »

Fisheries Service Gets Quick Win In Reporting Methods Fight

A D.C. federal judge on Thursday handed a quick win to the National Marine Fisheries Service in a suit challenging its bycatch reporting methodology, ruling that the service has established sufficient standardized methods that meet the requirements of the Magnuson-Stevens Act. Read more »

MEDIA & ENTERTAINMENT

New Jersey Joins List Of States With Fantasy Sports Laws

New Jersey became the latest state to legalize daily fantasy sports games like those run by FanDuel and DraftKings after Gov. Chris Christie on Thursday signed a bill expressly legalizing and regulating the games in the state. Read more »

EMPLOYMENT

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Saul Ewing
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Sullivan & Cromwell
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Willkie Farr

COMPANIES

Amazon.com Inc.
American Bar Association
American Federation of Labor and Congress of Industrial Organizations
Assured Guaranty Ltd.
Babcock & Wilcox Co.
Barclays Capital Inc.
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Center for Biological Diversity Inc.
Colfax Corporation
DraftKings Inc.
Facebook
FanDuel Inc.
Goldman Sachs Group Inc.
Gulf Oil Limited Partnership
Johnson & Johnson
Kaspersky Lab Ltd.
LinkedIn Corp.
Los Angeles Lakers
Media General Inc.

SEIU, Fight For \$15 Launching Campaign For Pro-Worker Pols

Members of the Service Employees International Union and Fight for \$15 will campaign to unseat battleground-state politicians who have opposed minimum wage increases and union rights starting Labor Day, the groups said Thursday. [Read more »](#)

AFL-CIO Demands US Action On Mauritania Labor Policies

The AFL-CIO on Wednesday pressured the Trump administration to consider removing Mauritania from a key trade preference program, citing the "widespread" existence of slave and child labor in the West African nation. [Read more »](#)

PRIVACY & CYBERSECURITY

White House Advisory Group Urges Action On Cyberthreats

A White House advisory group issued a warning on the readiness of U.S. cybersecurity infrastructure to handle aggressive cyberattacks, finding that the country is currently in a pre-9/11 situation when it comes to the threat of a massive cyberattack, but the opportunity to prevent such an incident does exist. [Read more »](#)

AEROSPACE & DEFENSE

McCaskill Wants DOD To Explain Improper Payment Program

Sen. Claire McCaskill, D-Mo., asked the U.S. Department of Defense on Wednesday to explain its efforts to track and cut down on improper payments, citing a recent watchdog report claiming the DOD had failed to follow related statutory requirements. [Read more »](#)

BANKRUPTCY

NAACP Legal Defense and Educational Fund Inc.

National Employment Law Project

National Milk Producers Federation

National Rifle Association of America

National Right to Work Legal Defense Foundation

Natural Resources Defense Council

New York Times Co.

Nexstar Broadcasting Group, Inc.

Oceana Inc.

Reckitt Benckiser Group PLC

S&P Global Inc.

S.A.C. Capital Advisors LP

SNL Financial LC

Service Employees International Union

Sierra Club

Skype Technologies SA

Southern Poverty Law Center

Spokeo Inc.

Summit Power Group LLC

Trader Joe's Co.

WhiteWave Foods Co.

Whole Foods Market, Inc.

YouTube Inc.

GOVERNMENT AGENCIES

Bureau of Labor Statistics

Bureau of Land Management

Cherokee Nation

Commodity Futures Trading Commission

Congressional Budget Office

Consumer Financial Protection Bureau

Department of Commerce

Puerto Rico Creditors Want In On \$6.2B Adversary Suit

Unsecured creditors blasted a decision by the judge overseeing Puerto Rico's ongoing restructuring that bars them from appearing in a bond insurer suit over the island's fiscal plan, telling the First Circuit on appeal that the judge clearly erred by boxing them out of such a crucial adversary proceeding. [Read more »](#)

IMMIGRATION

Border Patrol Policy Didn't Target Hispanics, 6th Circ. Says

A Sixth Circuit panel found Thursday that the U.S. Border Patrol's Sandusky Bay Station in Ohio did not exhibit a policy of allowing its agents to target individuals of Hispanic appearance, reasoning that there was no evidence of such a policy and affirming an Ohio federal court's decision in a suit brought by two migrant farmworkers organizations. [Read more »](#)

NATIVE AMERICAN

Tribe Pushes To Revive Suit Over Calif. Gov. Casino OK

The United Auburn Indian Community continued Wednesday to press the California Supreme Court to revive its lawsuit challenging Gov. Jerry Brown's role in greenlighting another tribe's competing off-reservation casino project, calling his arguments that he had not exceeded his authority or violated the separation of powers among government branches "off the mark." [Read more »](#)

EXPERT ANALYSIS

Dairy Vs. Plant-Based 'Milks': A Regulatory Standoff

Sales of nondairy milk alternatives are flourishing, but the dairy industry charges the U.S. Food and Drug Administration with failing to enforce its own labeling regulations

Enterprise Rancheria of Maidu Indians

Equal Employment Opportunity Commission

European Union

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Financial Stability Oversight Council

Food and Drug Administration

National Institute of Standards and Technology

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

National Security Council

New York State Department of Financial Services

North Fork Rancheria of Mono Indians

Nuclear Regulatory Commission

Office of the Comptroller of the Currency

Office of the U.S. Trade Representative

Securities and Exchange Commission

Southern Nevada Water Authority

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Defense Office of Inspector General

U.S. Department of Energy

U.S. Department of Homeland Security

regarding the definition of "milk." The longer terms like soy milk, almond milk and coconut milk remain in use, the stronger the argument for their continued use to describe these products, say attorneys with Shook Hardy & Bacon LLP. [Read more »](#)

Real Estate Industry In Anti-Money Laundering Crosshairs

An advisory issued this week by the Financial Crimes Enforcement Network offers glimpses into FinCEN's strategy to combat money laundering in the residential real estate sector — a strategy that may have significant adverse implications for U.S. real estate lawyers, says Kevin Shepherd of Venable LLP. [Read more »](#)

CFPB Arbitration Rule: What To Know And How To Plan

Unless Congress invalidates the Consumer Financial Protection Bureau's recently announced arbitration rule through use of the Congressional Review Act or other (more protracted) means, the rule will become effective Sept. 18. Attorneys with Hogan Lovells examine what this means for covered financial institutions and what they should do now. [Read more »](#)

NY Regulations Set The Bar High For Cybersecurity Standards

New York's cybersecurity regulations take effect on Aug. 28, marking a significant milestone in what is likely to be a new era in cybersecurity regulation on both a national and international level. The regulations are already playing a role in setting expectations for best practices across the financial services industry, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

What's Changed Under Delaware's New Data Breach Law

For the first time in 12 years, Delaware has updated its data breach disclosure law, joining a small but growing number of states that impose data security requirements on persons

U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
United Auburn Indian Community
United Nations

conducting business in the state and owning, licensing or maintaining personal information of residents, says William Denny of Potter Anderson & Corroon LLP. [Read more »](#)

Heller Sequels And 2nd Amendment, Still Undecided: Part 3

In the final installment of this three-part series, attorney Robert W. Ludwig concludes his deep dive into the controversial history of Second Amendment jurisprudence. [Read more »](#)

Opinion

Cobell Buy-Back Must Advance Indian Country Interests

The Cobell buy-back program is the result of a settlement, and its implementation should be focused on how best to serve the plaintiff class and the communities from which they come. Because the Trump administration's July 28 announcement is a dramatic departure from this approach, it should be reconsidered, says Keith Harper of Kilpatrick Townsend & Stockton LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

4 Tips For Creating A Successful Law Firm Podcast

As podcasts grow in popularity, BigLaw is capitalizing on the trend, with new shows created by law firms popping up regularly — but not all of them are created equal. Here, experts offer four tips for creating a killer podcast. [Read more »](#)

Freshfields Won't Increase Associate Pay Bands This Year

Freshfields Bruckhaus Deringer LLP decided not to raise the pay bands for its trainees and young associates in London for this year, with newly qualified attorneys continuing to earn £85,000 after a £17,500 increase last year, the firm confirmed to Law360 on Thursday. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Amazon won approval Wednesday for its planned \$13.7 billion acquisition of Whole Foods, earning the retail giant's attorneys at Sullivan & Cromwell LLP and Covington & Burling LLP a spot on this week's legal lions list, while a \$417 million jury verdict against Johnson & Johnson over a link between the company's talcum powder and cancer landed its counsel at Tucker Ellis LLP, Sidley Austin LLP, Proskauer Rose LLP and Shook Hardy & Bacon LLP among this week's legal lambs. Read more [1/2](#) B

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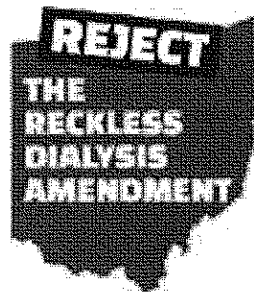
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From: Ohioans Against the Reckless Dialysis Amendment
Sent: Tuesday, July 10, 2018 11:39 AM
To: Rep07
Subject: Ohio Kidney Patient, Healthcare Groups Oppose Reckless Dialysis Amendment

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Tuesday, July 10, 2018

Ohio Kidney Patient, Healthcare Groups Unite Against Reckless Dialysis Amendment

(COLUMBUS) -- [Ohioans Against the Reckless Dialysis Amendment](#), a broad coalition of leading kidney care organizations, nurses, physicians and patient advocates, today announced its opposition to a proposed Constitutional Amendment that threatens to reduce access to Ohio's 326 out-patient dialysis clinics for the 18,000 Ohioans suffering from kidney failure.

Dialysis providers are among the most regulated healthcare provider groups in the country. All out-patient clinics are licensed by the Ohio Department of Health, certified by the federal Centers for Medicare and Medicaid Services (CMS), and highly regulated under current state and federal laws and regulations. [Current laws and regulations](#) address, among other things, patient safety; environmental cleanliness; infection prevention and control; emergency preparedness; staff training and continuing education; and water system and equipment maintenance. Clinics must also submit to unannounced quality assessments and inspections by the Ohio Department of Health.

"The proposed amendment was written by a California-based special interest group with no experience in dialysis care and – without any evidence of a problem – would recklessly lock dangerous, arbitrary rules into the Ohio Constitution, threatening access to high-quality care for thousands of Ohioans," said Diane Wish, co-founder and president of the Ohio Renal Association (ORA). "What's worse, the amendment calls for rebates that will end up in the pockets of insurance companies, not patients."

Wish, a registered nurse with more than 40 years of experience in providing dialysis treatment, is joined by other kidney care experts and physicians in opposition to the proposed amendment initiated by the California-based SEIU-UHW West.

"I've seen first-hand the devastating health consequences my dialysis patients face without proper access to care," said Dr. Henry Wehrum, a nephrologist (kidney specialist) with nearly 30 years of experience in the field, who also serves on the board of the Ohio Osteopathic Association (OOA). "The Ohio Constitution is simply not the place for complicated healthcare policy. And because it's written as a Constitutional Amendment, when things go wrong it can only be changed by another Constitutional Amendment – that's not a risk I'm willing to take on behalf of my patients."

Michael Needham, president and CEO of the Kidney Foundation of Ohio (KFO) added, "the Kidney Foundation of Ohio opposes the amendment because it will harm patients, not help them. The Amendment threatens to reduce the number of centers available to Ohioans, which would be especially harmful to vulnerable patients." The Kidney Foundation of Ohio is a patient advocacy group that has been providing a broad-based program of direct assistance to those with kidney disease since 1950.

To date, the organizations opposing the amendment include:

- Academy of Medicine of Cleveland and Northern Ohio
- Chronic Disease Coalition
- Diabetes Dayton
- Dialysis Patient Citizens
- Global Healthy Living Foundation
- Kidney Care Council
- Kidney Care Partners
- Kidney Foundation of Ohio
- National Renal Administrators Association

- Nonprofit Kidney Care Alliance
- Ohio Academy of Nutrition and Dietetics
- Ohio Osteopathic Association
- Ohio Renal Association
- Ohio Sickle Cell and Health Association
- Ohio State Medical Association
- Renal Physicians Association
- Renal Support Network

Based on campaign finance filings, the California-based SEIU is believed to have hired hundreds of paid petition circulators, many from out-of-state, to gather signatures from Ohio voters. On Wednesday, July 4, the group submitted signatures to the Ohio Secretary of State in an attempt to qualify the issue for the November 6 Ohio statewide ballot. The petitions and signatures are now under review by elections officials.

“The SEIU has a long history of abusing the ballot issue process to advance its own political agenda,” said coalition spokesperson Gene Pierce. “That its amendment would actually harm Ohio dialysis patients comes as no surprise to those familiar with the SEIU’s strong-arm tactics.”

Among the proposed Constitutional mandates are provisions directing the Ohio Department of Health to establish arbitrary revenue limits for Ohio clinics and require rebates to private health insurance companies should revenues exceed those arbitrary limits. The amendment excludes Medicare, Medicaid and other government payers — which cover nearly 90 percent of dialysis patients in Ohio — from receiving rebates, leaving only private health insurance companies able to receive them. The amendment does not require insurance companies to pass on any savings to patients.

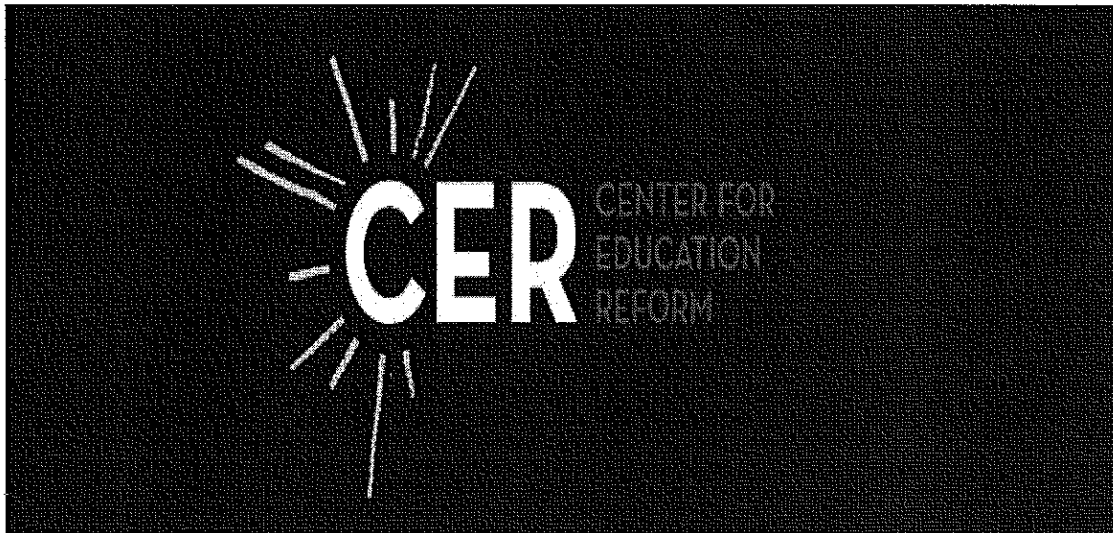
Coalition members are concerned that arbitrary revenue limits will force some dialysis providers to consolidate operations or close locations, reducing access to critical dialysis care — particularly for patients in rural, urban, and underserved areas.

The non-partisan coalition is planning a statewide campaign to educate Ohio voters on the ballot issue’s dangerous consequences, should the issue be placed on the ballot.

The estimated 18,000 Ohioans suffering from end stage renal disease (ESRD) typically receive life-preserving dialysis treatments in a clinic three times a week, with each visit taking three to four hours.

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A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

POLITICS AS USUAL. As if on cue to lend credence to the wisdom of the Supreme Court's *Janus v. AFSCME* decision (which frees individuals from being forced to fund unions they don't support) last week's AFT annual meeting more closely resembled the quadrennial national party conventions than a gathering of teachers devoted to education and learning. Not only was the AFT's laundry list of resolutions laced with criticism of the current administration, former Secretary of State Hillary Clinton and current Senators Elizabeth Warren and Bernie Sanders all showed up to rally the troops and lead the charge toward political victory in November and beyond!!! Also joining in the AFT's pep rally and cheerleading tryouts were noted labor bosses, Lee

Saunders (AFSCME), Lily Eskelsen-Garcia, (NEA), and Mary Kay Henry (SEIU). Notably absent – any talk of meaningful reform of schools and everyone whose ideas, opinions, or political leanings don't conform to the union leaders' views of America.

THE WRONG RESPONSE. Of course much of the AFT's focus was on the biggest issue of concern to parents and children across the country: the impact of Janus on the union! Leading the way in the torches-and-pitchforks rally was AFT president Randi Weingarten who was= on a tear orating, among other things, about how "They [the infamous and dangerous "they"] have attacked us and perverted and weaponized the First Amendment, the freedom of speech in a way that no one recognizes."

SCHOOLYARD SCUFFLE. There's never been any love lost between Nevada's competing teachers unions – Clark County Education Association (CCEA) and the new National Education Association of Southern Nevada (NEA-SN) – but now their relationship has devolved into a playground hair-pulling affair complete with name-calling and fit-throwing. The problem comes down to who's taking members away from whom and is best explained by an impartial observer who says it's all about money. "I hate to be so crass to say it that way, but if you lose 10,000 members that's money that's gone." Offers another observer: "The only word that comes to my mind is incompetency." Oh well. If nothing else, at least the unions' priorities are nicely aligned with their national counterparts.

A BIG CHANGE IN THE BIG EASY. After hurricane Katrina back in 2005 Louisiana abolished its old, failing, school system in favor of a system of charter schools. So how has it worked out? As *The New York Times* reports "...academic progress has been remarkable. Performance on every kind of standardized test has surged." A caution is in order, however. The Time's piece was sparked by the state returning schools to "local control" – to the Orleans Parish School Board, for example which has historically opposed giving any power to schools or autonomy to individuals – and threatens to be a step

toward a return to the structure, and mindset, that doomed New Orleans students to violent and chronically failing schools before Katrina.

NOW THERE'S A THOUGHT. A well-reasoned piece out of New Mexico where an op-ed – "Bureaucracy stifles innovation at NM schools" – points to the need for an education system that provides "innovative solutions that fit local needs? 6we should be asking, what does your local community need from its graduates and what experiences will prepare them for the future? Or, how can we give students real-life internship experiences that teach students the skills they need to be prepared in our ever-changing workforce?" Here, here!

THOSE DARN PARENTS. It won't come as a shock to learn that as enrollment in charter schools in North Carolina rises, and attendance in the state's traditional public schools falls – it's down, for the third straight year, to 81 percent and falling fast – the status quo sees a conspiracy afoot to "dismantle public schools." But when you open the gates and people can leave = 2 and they do – it says something about the existing offerings. Advocates of traditional public school shouldn't complain but figure out how to keep students without calling parents undemocratic or accusing them of trying to dismantle the public schools simply because they their kids educated to their own needs.

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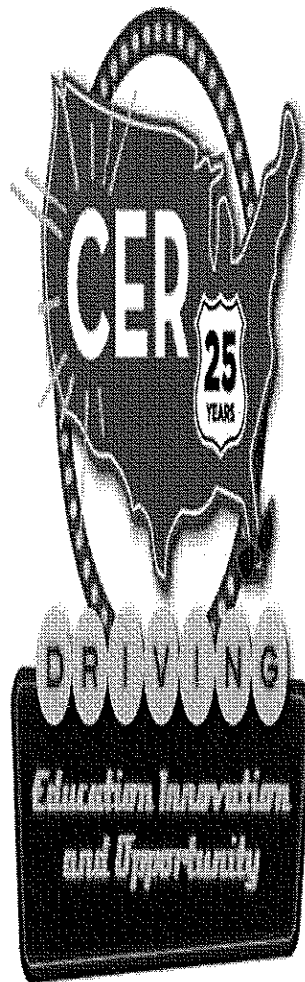
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20004**

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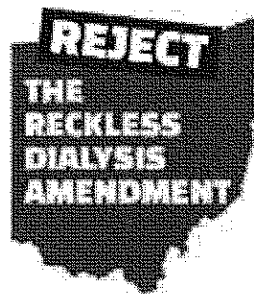


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Washington, DC 20004

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From: Ohioans Against the Reckless Dialysis Amendment
Sent: Monday, July 23, 2018 4:11 PM
To: Rep07
Subject: For Immediate Release: Ohio Dialysis Caregivers and Patient Advocates Ready to Expose Reckless Ballot Proposal

[View this email in your browser](#)



FOR IMMEDIATE RELEASE

Monday, July 23, 2018

Contact: Gene Pierce, 614/365-9494

Email to: gene@piercecomm.com

Ohio Dialysis Caregivers and Patient Advocates Ready to Expose California Special Interest Group's Reckless Ballot Proposal

(Columbus) – Ohioans Against the Reckless Dialysis Amendment, representing more than 20 dialysis care, patient and medical groups, expressed the coalition's strong opposition to the proposed reckless dialysis constitutional amendment. Today, the amendment sponsor was given a ten-day "cure" period to collect additional signatures after failing to submit the required number of

valid signatures to qualify for this November's statewide ballot.

Ohio Renal Association President Diane Wish said, "we look forward to educating Ohioans on the problems this proposed constitutional amendment carelessly causes, putting the health of Ohio's kidney dialysis patients at needless risk. This proposal is especially dangerous for Ohioans in disadvantaged, underserved or sparsely populated areas of our state, where it would force some dialysis clinics to cut back, consolidate or close, reducing access to quality care.

"We strongly oppose this amendment and are pleased to be joined in opposition by other Ohio dialysis patient advocates such as the Kidney Foundation of Ohio, who have served Ohio dialysis patients for many years," Wish said. Wish, a registered nurse with more than 40 years of experience providing dialysis treatment, has served since 1983 as CEO of the nonprofit Centers for Dialysis Care, which operates 17 facilities in the Cleveland area.

In addition to the Ohio Renal Association and the Kidney Foundation of Ohio, opponents include the Ohio State Medical Association, the Ohio Osteopathic Association and the Ohio Academy of Nutrition and Dietetics. A complete list of opponents can be found [here](#).

"This issue is a poor attempt to fix a problem that doesn't exist," said opposition coalition spokesman Gene Pierce. 30 Ohio dialysis clinics are already subject to strict regulations that are enforced by both state and federal healthcare agencies."

The proposed amendment was written by the California-based SEIU-UHW, which is sponsoring a similar proposal (Proposition 8), now scheduled to appear on the California ballot November 6. The SEIU financed a paid petition drive, with hundreds of paid circulators from out of state, to gather signatures in Ohio in recent months.

The proposed Constitutional Amendment would mandate arbitrary revenue limits for Ohio dialysis clinics and require rebates to private health insurance companies if revenues exceeded those arbitrary limits. The proposal has no requirement that any savings be passed on to patients, nor does the rebate provision apply to the nearly nine out of ten Ohio dialysis patients who are covered by Medicare, Medicaid or other government programs such as the Veterans Health Administration.

The estimated 18,000 Ohioans suffering from end stage renal disease (ESRD) typically receive life-preserving dialysis treatments in a clinic three times a week, with each visit taking three to four hours. According to national research, missing even one dialysis treatment increases the patient's risk of death by 30 per cent.

Find more information about the amendment at
www.RecklessDialysisAmendment.com.

###

Paid for by Ohioans Against the Reckless Dialysis Amendment



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From: Public Policy Law360
Sent: Friday, February 24, 2017 4:54 AM
To: Rep07
Subject: High Court Confirmation 'Not The Way It Should Be': Ginsburg



Friday, February 24, 2017



TOP NEWS

High Court Confirmation 'Not The Way It Should Be': Ginsburg

The current U.S. Supreme Court confirmation process has grown too partisan, Justice Ruth Bader Ginsburg said Thursday, as the Senate is gearing up for a fight over President Donald Trump's pick for the high court, Tenth Circuit Judge Neil Gorsuch.

BigLaw Partners Uneasy About Trump Judiciary Comments

Members of the legal community including partners at several BigLaw firms on Thursday expressed concern over statements made by President Donald Trump toward federal judges and courts in the aftermath of an order temporarily blocking his immigration ban from seven Muslim-majority countries, saying the remarks could have "grave consequences."

Law Profs Hit Kellyanne Conway With Misconduct Complaint

A group of law professors and ethics experts this week filed a misconduct complaint against President Trump adviser Kellyanne Conway, arguing that a series of false statements she made in TV interviews "brings shame" to the profession.

Analysis

LAW FIRMS

Arnold & Porter Kaye Scholer
Baker Botts
Bancroft PLLC
Berger & Montague
Bradley
Chadbourn & Parke
Cooley
Cozen O'Connor
Crowell & Moring
Davis Wright Tremaine
Edelson PC
Eric M. Bernstein
Finger & Slanina
Ford & Harrison
Greenberg Traurig
Gunster
Gutridge Safier
Harkins Cunningham
Harman Claytor
Holland & Hart
Holland & Knight
Hunton & Williams
Jackson Lewis
Jenner & Block
Johnson & Bell

GOP Faces Pitched Battle As It Looks To Revise ESA

Having seized control of the presidency and both houses of Congress, Republicans are seeking to amend the Endangered Species Act after years of complaints that it stymies development and limits land use. But lawmakers should take note of previous failed attempts to alter the law, as supporters will fiercely fight any changes they see as weakening it, experts say.

Analysis

Trump's Trans Bathroom Access U-Turn May Not Slow EEOC

Although the Trump administration made waves in rescinding an Obama-era directive that transgender public school students be allowed to use the bathroom of their choice, experts say employers shouldn't assume the U.S. Equal Employment Opportunity Commission will take its foot off the enforcement throttle when it comes to transgender rights in the workplace.

Sessions Ditches Obama Policy Curtailing Private Prison Use

Attorney General Jeff Sessions has reversed a U.S. Department of Justice memo from the Obama administration aimed at curtailing use of private prisons by the federal government, according to a memo sent to the federal Bureau of Prisons on Thursday.

Analysis

Tax Reform Possible Despite Border Adjustment Opposition

Despite growing opposition from retailers and within the GOP's own ranks to a tax reform blueprint that would disallow deductions for import costs, experts are hopeful that a compromise going beyond mere tax cuts is possible.

Ginsburg Bemoans Loss Of Core Values At Book Launch

Joseph Greenwald

K&L Gates

Kane Russell

Kessler Topaz

Kutak Rock

Little Mendelson

Lum Drasco

McGuireWoods

Morrison & Foerster

Munger Tolles

Norton Rose Fulbright

Perkins Coie

Schirmer Diaz-Arrastia

Seyfarth Shaw

Shook Hardy

Sidley Austin

Squire Patton Boggs

Sullivan & Worcester

Surovell Isaacs

Williams Montgomery

Winthrop & Weinstine

COMPANIES

AXA SA

American Bar Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Federation of State, County and Municipal Employees

Apple Inc.

BTI Consulting Group Inc.

Black Elk Energy LLC

Citizens for Responsibility and Ethics in Washington

Clearing House Payments Co. LLC

Comcast Corporation

America is not going through the best of times, according to Associate Justice Ruth Bader Ginsburg, who said Thursday that the country has started to drift away from some of its core ideals.

Analysis

Fracking Quakes Could Shake Regulatory Ground In Pa.

The first-of-its-kind link that Pennsylvania environmental regulators recently drew between hydraulic fracturing and a string of minor seismic events detected nearly a year ago could be the first step toward increased monitoring requirements and permitting conditions for drillers.

GOP Lawmaker Wants Flynn To Testify Before Senate Panel

Sen. Susan Collins, R-Maine, said Wednesday that former national security adviser Michael Flynn should testify before the Senate Intelligence Committee, which is investigating alleged Russian interference in the U.S. presidential election.

BANKING & SECURITIES

Canadian Securities Watchdog Launches Regulatory Sandbox

Canadian securities regulators on Thursday launched a so-called regulatory sandbox, allowing companies that use innovative technologies and capital-raising techniques to experiment under fewer regulations, spreading an idea that has gained momentum across Europe and Asia.

Robo-Advisers Must Be Mindful Of Advisers Act, SEC Says

The U.S. Securities and Exchange Commission on Thursday said that "robo-advisers" should be mindful of how the Investment Advisers Act applies to them and their relationship with

Corrections Corporation of America

Facebook

Fannie Mae

Federalist Society

First NBC Bank Holding Co.

Freddie Mac

Geo Group, Inc.

Goldman Sachs Group Inc.

Hilcorp Energy Co.

HuffingtonPost.com LLC

International Bar Association

Koch Industries Inc.

Life Technologies Corporation

Mercedes-Benz

MetLife Inc.

Mexican American Legal Defense and Education Fund

NBCUniversal Inc.

National Immigration Law Center

National Public Radio Inc.

New York Times Co.

Nokia Corporation

Novartis AG

Promega Corp.

Public Knowledge

QUALCOMM Incorporated

Royal Dutch Shell PLC

Sierra Club

Sprint Nextel Corporation

Trump Organization Inc.

Universal Health Services Inc.

Wal-Mart Stores Inc.

Wells Fargo & Co.

GOVERNMENT AGENCIES

Bureau of Safety and

Environmental Enforcement

Centers for Medicare & Medicaid Services

clients since their services are unique from traditional investment advisers.

ENERGY & ENVIRONMENTAL

Sierra Club To Sue EPA For Renewable Fuel Report Absence

The Sierra Club issued a notice of intent to sue the U.S. Environmental Protection Agency on Thursday, saying it had ignored its obligations to analyze the Renewable Fuel Standard by failing to publish an evaluation on air quality or communicate with Congress.

ND, Energy Cos. Ask 8th Circ. To OK \$1.3M Fee In Minn. Row

North Dakota and a coalition of energy companies told the Eighth Circuit on Wednesday that they should receive \$1.3 million in attorneys' fees and costs awarded by a lower court for prevailing in the appeal of a decision invalidating Minnesota's restrictions on out-of-state coal-fired power plants, arguing the figure was justified and mentioning that the other side was sanctioned.

Wood Group To Pay \$9.5M In False Reporting, Explosion Plea

Wood Group PSN Inc. will pay \$9.5 million over allegations of falsely reporting safety inspections and violating the Clean Water Act in connection with the November 2012 explosion at the West Delta 32 offshore facility in the Gulf of Mexico, federal prosecutors said Thursday.

HEALTH & LIFE SCIENCES

Feds To Allow Pre-ACA Policies Through 2018

Federal regulators on Thursday once again granted extra time for consumers to renew health insurance that doesn't fully comply with Affordable Care Act standards, saying the older coverage can run through 2018.

MEDIA & ENTERTAINMENT

Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Defense Intelligence Agency
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Reserve System
Federal Trade Commission
Financial Conduct Authority
Financial Stability Oversight Council
Fish and Wildlife Service
Florida State Senate
Government Accountability Office
Internal Revenue Service
National Credit Union Administration
National Labor Relations Board
National Marine Fisheries Service
North Carolina Wildlife Resources Commission
Office of the Comptroller of the Currency
Office of the Federal Register
Oklahoma Corporation Commission
Oregon Department of Justice
Securities and Exchange Commission

Fla. Senate Readies Gaming Bill, But House Has Other Ideas

The Florida Senate Appropriations Committee's passage of a comprehensive gaming bill to the Senate floor on Thursday raised the prospects for long-sought resolutions to multiple industry issues, but those odds looked longer as a House panel backed a proposal that hews to the status quo and rejects expansion.

Oregon Moves Forward On Bill To Revamp Sports Agent Law

Oregon lawmakers are pushing forward with what could be a first-of-its-kind bill that would significantly expand the definition of who is considered an athlete agent beyond those who negotiate contracts and provide college student-athletes with a specific civil remedy for agent misconduct.

EMPLOYMENT

NJ Doesn't Have To Pay For Ex-Election Official's Defense

A New Jersey state appeals court on Thursday found that the state does not have to cover the defense costs of a former county superintendent of elections in a lawsuit alleging retaliation against three workers because the litigation involves supervising employees and not enforcing election laws.

Former Asst. Atty Wants Firing Suit Reheard By 4th Circ.

A former Fairfax County, Virginia, assistant attorney asked the Fourth Circuit Wednesday for a rehearing of its decision upholding a district court's ruling that she could be fired after being elected to the city council, saying the case presents important issues concerning public employees' First Amendment rights.

Ill. State Worker Union Members Approve Strike If Needed

Seminole Tribe of Florida

Texas Department of Public Safety

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Supreme Court

Illinois' largest public employee union on Thursday announced that its voting members overwhelmingly authorized a strike, should the bargaining committee of AFSCME Council 31 decide to call one in its months-long struggle with Gov. Bruce Rauner over a new contract.

PRIVACY & CONSUMER PROTECTION

Trans Student Presses Bathroom Fight Despite Trump Letter

Transgender student Gavin Grimm pressed on with his challenge of a policy barring him from using the boys' bathroom at his high school on Thursday, telling the U.S. Supreme Court that the Gloucester County School Board rule violates the plain text of Title IX, a day after the Trump administration rescinded Obama-era guidance on trans rights in schools.

Arkansas Supreme Court Strikes City's LGBT Protections

The Supreme Court of Arkansas on Thursday struck down a city ordinance that banned discrimination based on sexual orientation or gender identity, but refused to address whether the state's law stripping local governments of the ability to protect LGBT rights is constitutional.

INTERNATIONAL TRADE

FTC Chair To Take On Job Licensing With New Task Force

The new acting chairwoman of the Federal Trade Commission launched a task force Thursday to tackle state and local licensing requirements that have proliferated in recent years for everyone from hairdressers and makeup artists to interior designers, a new initiative designed to pare down on "dubious" and "ridiculous" requirements threatening economic growth.

TAX

Mnuchin Shares GOP's Optimistic Timeline For Tax Reform

Treasury Secretary Steven Mnuchin exhibited the same ambition as House Republicans Thursday when he expressed a commitment to seeing growth-enhancing tax reform, with an emphasis on cuts for the middle class and business, before Congress leaves for its August recess.

IRS Asked To Create Form To Help Shareholder Compliance

An accounting trade group has urged the IRS to create a new income tax form that would compute a shareholder's basis in the stock and debt of a pass-through corporation, saying that in the past, taxpayers have misreported over \$10 million in losses due to a lack of basis.

IMMIGRATION

Oregon Seeks To Join Wash. Challenge To Trump Travel Ban

Oregon wants in on the lawsuit filed by the state of Washington that challenges President Donald Trump's executive order and its travel ban for certain foreign-born individuals, arguing Wednesday that it seeks to ensure that any relief that arises from the case protects the state and its residents.

Groups Aim To Block Trump From Slashing Refugee Numbers

The International Refugee Assistance Project and others asked a Maryland court Wednesday to stop the government from enforcing part of the travel ban executive order that slashed refugee admission numbers, saying the law doesn't allow a president to force a midyear cutback in refugees.

5th Circ. Reinstates Texas Anti-Immigrant Harboring Law

The Fifth Circuit on Thursday reinstated a Texas law that makes it a felony to harbor unauthorized immigrants, lifting an injunction

that had blocked the 2015 law from taking full effect, in a ruling praised by both the state and immigrant advocates.

TELECOMMUNICATIONS

FCC Approves 1st Foreign Co. Broadcast Station Ownership

The Federal Communications Commission for the first time ever has allowed a fully foreign-owned company to take ownership of 15 U.S. radio broadcast stations, in a decision on Thursday that approved a petition to let an Australian couple take on several stations in Alaska and Texas.

FCC Grants Small-Business Relief From Transparency Rules

The Federal Communications Commission's Republican majority voted Thursday to exempt broadband providers with 250,000 or fewer subscribers from stepped-up transparency rules in the 2015 Open Internet Order as the lone Democratic commissioner objected amid questions of how the GOP will deal with broader net neutrality rules.

FCC Pushed To Ensure Stricter Political Ad Disclosure

In a letter to the Federal Communications Commission on Wednesday, a group of 10 Democratic Congress members encouraged the agency to adopt even stricter disclosure rules for TV stations that run political advertisements.

Public Interest Groups Urge FCC Not To Undermine Lifeline

The NAACP, AFL-CIO and Public Knowledge are among a range of public interest organizations that on Thursday pressed the Federal Communications Commission to reverse course on stripping nine Lifeline low-income broadband providers of eligibility to provide service or risk undercutting the goal of connecting the poor.

EXPERT ANALYSIS

Tax Implications Of The Affordable Care Act Repeal

Because the Affordable Care Act was upheld by the U.S. Supreme Court as a tax law, its repeal would entail a \$1.1 trillion tax revenue loss over 10 years. Based on the direction that the Republicans take in crafting their replacement bill and what portions of the ACA will be repealed, individuals and corporations could be looking at drastic tax changes, say Michael White and Eddie Geraghty of M. White & Associates LLC.

Financial Services In The 1st Month Of Trump Presidency

In the first 30 days of his administration, President Donald Trump issued more than two dozen executive orders, memoranda and proclamations, several of which significantly impact the financial services industry. In addition, policymakers are turning their time and attention to reforming the nation's financial services laws, with a "Choice Act 2.0" likely to be introduced soon, say Matthew Cutts and James Sivon of Squire Patton Boggs LLP.

Challenging Emoluments Clause Violations As A Conspiracy

I'm not confident that trying to hold the Trump Organization liable for President Donald Trump's own constitutional violations will work. But there might be other legal theories under which a state attorney general could argue that Trump-owned companies act unlawfully when they receive emoluments. Consider a core white collar criminal statute — conspiracy to defraud the U.S., says Randall Eliason, a former federal prosecutor.

Inside New FAR Rule On Untimely Payment To Subcontractors

New changes to the Federal Acquisition Regulation impose mandatory reporting requirements on federal prime contractors who

fail to make full and timely payments to their small business subcontractors. Although little more than a month old, this rule already has been the source of considerable confusion, say Aron Beezley and Emily Unnasch of Bradley Arant Boult Cummings LLP.

The Uncertain Future Of PURPA, A Key To Renewable Energy

The Public Utility Regulatory Policies Act was enacted in 1978 to encourage development of alternative energy resources. But PURPA's opponents want to see it amended or repealed. With the law's supporters staying relatively quiet, calls for reform may gain traction with the new Congress and the Trump administration, say attorneys from Crowell & Moring LLP.

LEGAL INDUSTRY

Analysis

5 Rules For RFPs From The People Who Read Them

With the use of RFPs by legal departments at an all-time high, it's crucial that law firms learn how to stand out from the pack and avoid ruffling the feathers of the procurement and legal operations professionals who review the submissions. Here's how they say law firms can make the most of an RFP.

Holland & Knight Protests DQ Bid To Judge's 'Dismay'

A New York federal judge scolded Holland & Knight LLP for a letter it submitted in a case pitting First NBC Bank against ethanol distributor Murex LLC, saying the unsolicited filing contesting a bid to disqualify the firm did not reflect well on it and that its attorneys had "abused the court's courtesy."

Law360's Weekly Verdict: Legal Lions & Lambs

Sidley Austin rose to the top of this week's legal lions list with a win at the U.S. Supreme Court that limits the law's reach on overseas patent

infringement, while K&L Gates met with a less favorable fate when the justices revived a False Claims Act case against its client, Wells Fargo.

Del. Judicial Political Balance Mandate Unfair, Atty Says

A Delaware attorney is challenging a portion of the state's constitution requiring a balance of representation from "major" political parties in state judicial positions, saying in a lawsuit filed in Delaware federal court that the process is unconstitutional and unfairly excludes members of nonmajority parties and independents.

Ill. Law Firm Ex-Clients Can't Arbitrate Privacy Row As Class

A pair of former clients of Illinois law firm Johnson & Bell Ltd. can't arbitrate their claim the firm put their confidential data at risk on behalf of a putative class of Johnson & Bell clients, an Illinois federal judge said Wednesday.

Trial Consultants Q&A: DOAR's Roy Futterman

You can see an attorney have a sudden realization that we move from trial to trial, that we work on many cases in a year and spend weeks in courtrooms. When attorneys realize all of this, they often move us from the kiddie table to the big boy table. Then we pick up a turkey leg and get to work, says Roy Futterman, director at DOAR Inc.

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From: Government Contracts Law360
Sent: Monday, March 20, 2017 3:45 AM
To: Rep07
Subject: Claims Court Chides Gov't Atty For Lack Of Contract Candor



The Road To 60 Votes: Confirming Neil Gorsuch

Follow Law360's up-to-the-minute coverage.

Monday, March 20, 2017



TOP NEWS

Claims Court Chides Gov't Atty For Lack Of Contract Candor

A U.S. Court of Federal Claims judge on Thursday criticized a federal attorney for a lack of candor over the status of the underlying deal in Level 3 Communications LLC's successful protest of a \$98.7 million Pentagon fiber optic circuit contract, recommending he be punished by his supervisor.

Fed. Claims Nixes Contractor's Suit Over \$750M Navy Bid

The Court of Federal Claims on Friday tossed a government contractor's suit over a \$750 million U.S. Navy contract for off-the-shelf command and control equipment, ruling that the agency acted within its discretion when it rejected the company's bid over an underlying "unacceptable" rating.

Northrop Bid Protest Too Close For Legal Fees, GAO Says

LAW FIRMS

Appeal Tech
Arnold & Porter Kaye Scholer
Baker McKenzie
BakerHostetler
Bathgate Wegener
Berger Singerman
Boies Schiller
Browne George
Chimicles & Tikellis
Cleary Gottlieb
Cole Schotz
Covington & Burling
Crowell & Moring
Dewey & LeBoeuf
Eagan Avenatti
Faegre Baker
Gibson Dunn
Greenberg Traurig
Hartley Michon
Hinshaw & Culbertson

Just because the U.S. Department of Homeland Security took corrective action in the wake of Northrop Grumman challenges of a cybersecurity contract award wasn't enough for a Government Accountability Office decision made public Thursday to recommend cost reimbursement, finding the case too close to be "clearly meritorious."

OIG Says Army Needs More Guidance For Contract Reviews

The U.S. Army must take action to ensure it is properly evaluating single-award, indefinite-delivery contracts, the Office of Inspector General said after it found a failure to provide a "determination and findings" report for a \$192 million contract.

Ammo Co. Asks Justices To Reload Army Nondisclosure Row

A Federal Circuit panel turned its back on more than a quarter-century of precedent when shooting down Liberty Ammunition Inc.'s contract breach claim against the U.S. Army over lead-free bullet technology, the company has told the U.S. Supreme Court

POLICY & REGULATION

Pa. Auditor Claims Cover-Up By Pregnancy Service Contractor

Pennsylvania's auditor general on Thursday lashed out at an organization with a \$30 million state contract to provide abortion alternative services after the group filed a petition in state court arguing that he lacks authority over a portion of the grant money that it receives back after paying vendors.

ENFORCEMENT

Texas Nurse Pleads Guilty To Role In \$5M Medicare Fraud

A Houston-area nurse on Friday pled guilty to his role in a \$5 million Medicare fraud scheme

Hunton & Williams
Jones Day
K&L Gates
Kellogg Hansen
Kirkland & Ellis
Kleinbard LLC
Latham & Watkins
McDermott Will
McElroy Deutsch
Morgan Lewis
Morrison & Foerster
Outten & Golden
Paul Hastings
Paul Weiss
Perkins Coie
Prince Lobel
Proskauer Rose
Sauer & Wagner
Seward & Kissel
Skadden
Smith Pachter
Sullivan & Cromwell
Thompson & Knight
Warner Norcross
Watt Tieder

COMPANIES

AT&T Inc.
Altman Weil Inc.
Amazon.com Inc.
American Federation of State,
County and Municipal Employees
Apple Inc.
Association of Corporate Counsel
Blue Cross and Blue Shield
Association
Cisco Systems Inc.
Colliers International Property
Consultants

involving home health care providers, the U.S. Department of Justice said Friday.

LITIGATION

SD Insurer Seeks \$8.9M In 'Risk Corridor' Payments

A South Dakota health insurer has accused the federal government of failing to pay more than \$8.9 million in risk corridor payments due for its participation in the individual market health care exchanges created by the Affordable Care Act.

Mich. Gov. Rips 'Misguided' Suit Over New US-Canada Bridge

Michigan Gov. Rick Snyder told the D.C. Circuit on Thursday that the private operators of the Detroit-to-Canada Ambassador Bridge are trying to derail development of an alternative bridge by attacking a valid crossing agreement that Michigan inked with Canada paving the way for the project.

Health Co. FCA Claims Nixed, As Atty Libel Suit Proceeds

A federal judge in Massachusetts has dismissed a False Claims Act retaliation suit against a hospital consulting firm, even as the firm's defamation suit against the would-be whistleblower and his lawyers at Outten & Golden LLP is pending in state court.

Ill. Gov. Appeals AFSCME Dispute To State Supreme Court

Gov. Bruce Rauner followed through on recent promises to keep pushing for the power to impose his contract terms on the state's largest public employee union, pleading with the Illinois Supreme Court late Friday afternoon to take up the case quickly in order to allegedly save millions through the governor's "last, best and final" offer to the union.

Ariz. Tribe Hits Gov't With \$200M Trust Mismanagement Suit

Cooper Health System
Cummins Inc.
Detroit Red Wings
Facebook
Federalist Society
Google Inc.
Hartford HealthCare Corp.
Kimberly-Clark Corporation
LSI Corporation
Level 3 Communications Inc.
Lippman Jungers LLC
Microsoft Corporation
Northrop Grumman Corporation
Pfizer Inc.
Raytheon Company
Sanford Health
Starbucks Corporation
State Bar of California
Twitter Inc.
United Continental Holdings Inc.
United Parcel Service Inc.
Verizon Communications
Yahoo! Inc.

GOVERNMENT AGENCIES

Bureau of Land Management
Congressional Budget Office
Defense Information Systems Agency
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Government Accountability Office
Illinois Supreme Court
New York Attorney General's Office

The White Mountain Apache Tribe has slapped the federal government with a \$200 million suit in the U.S. Court of Federal Claims, alleging the government failed in its trust duty to the tribe by mismanaging its money and the forests on its sprawling Arizona reservation.

LEGAL INDUSTRY

What To Expect When You're Expecting A Supreme Court Seat

Tenth Circuit Judge Neil Gorsuch's nomination to the U.S. Supreme Court faces its most public test starting Monday, when he faces the Senate Judiciary Committee for the start of what could be an almost weeklong confirmation hearing. Here's a breakdown of what to expect next week.

Law Firms Find Novel Ways To Reduce Risk Of Lateral Hires

Some BigLaw lateral partners are being forced to wait to share in the profits at their new firms when they first join, one of several strategies that experts say firms are increasingly using to mitigate the risks of lateral hires.

Ex-Sullivan Attys Ask SEC Nominee To Rebuke Travel Ban

Twenty-seven former Sullivan & Cromwell LLP attorneys have written to President Donald Trump's pick to chair the U.S. Securities and Exchange Commission, a partner at the firm, to ask him to speak out against the president's travel ban executive orders

Dewey's DiCarmine Not In On Accounting Fraud, Jury Hears

Former Dewey & LeBoeuf LLP Executive Director Stephen DiCarmine never ordered the firm's finance director to pull improper accounting moves, the state's star cooperating witness told a Manhattan jury on Friday.

NY Nonresident Atty Law Not Protectionist, High Court Told

Occupational Safety and Health Administration

Office of Disability Employment Policy

Securities and Exchange Commission

U.S. Air Force

U.S. Army

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. Navy

U.S. Patent and Trademark Office

U.S. Supreme Court

White Mountain Apache Tribe

The New York attorney general's office has urged the U.S. Supreme Court to not take up a case challenging the requirement that nonresident lawyers maintain a physical office in the Empire State to practice there, contending that any burden created by the rule is incidental

GC Cheat Sheet: The Hottest Corporate News Of The Week

Google gets support from Silicon Valley comrades in a fight over search warrants, employees can now file U.S. Equal Employment Opportunity Commission complaints online, and EU regulators force Facebook and Twitter to amend their policies. Those stories top last week's corporate legal news you may have missed.

Baker McKenzie Pens Handbook For NY's Homeless Youth

Runaways and homeless kids navigate a minefield of legal risks and threats to their personal safety. But a new state-specific roadmap created by a BigLaw and in-house pro bono team may help some at-risk New Yorkers avoid the pitfalls.

Analysis

Mystery Creditor Pushes Eagan Avenatti Into Ch. 11

California class-action law firm Eagan Avenatti LLP was plunged into Chapter 11 bankruptcy earlier this month when an elusive Orlando creditor filed an involuntary petition over a claim worth less than \$30,000. But that creditor's whereabouts — indeed his true identity — is one of many unanswered questions in a bitter fight between former colleagues.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Trial Consultants Q&A: JuryScope's Johanna Carrane

Fifteen years ago, to get up to speed in a case you would wait for that giant box of documents to arrive at the office and email was still really establishing itself as the most common form of communication. Because of the speed with which we can communicate today, it calls for a high level of responsiveness, says Johanna Carrane, president of JuryScope Inc.

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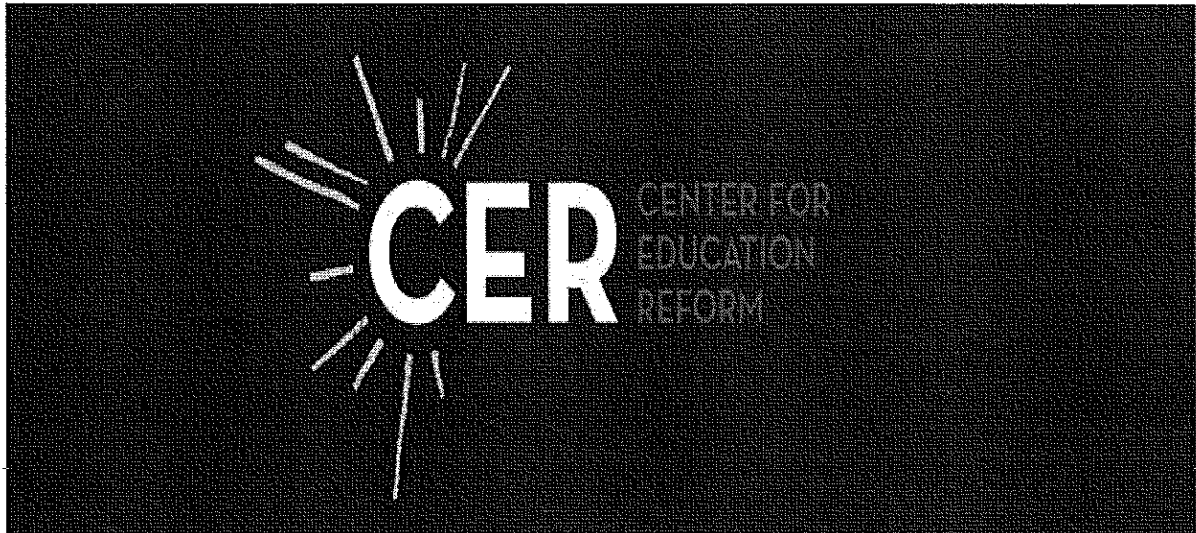
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October 4, 2017

Memo to Reporters

From: Jeanne Allen, founder & CEO, the Center for Education Reform

Re: U.S. Supreme Court case holds promise for teacher freedoms

Leaders of organizations and schools across the education reform arena are enthusiastic that on Thursday, September 28, the Supreme Court of the United States (SCOTUS) agreed to hear arguments in *Janus v. AFSCME*. The case was brought forth by Mark Janus, an Illinois Department of Healthcare and Family Services public employee who believes that forced unionism and the mandatory paying of fees violates his First Amendment rights. A favorable outcome in *Janus* could pave the way for a loosening on the stranglehold of other public sector employees compelled to pay mandatory union fees. Public school teachers, in particular, stand to benefit from the freedom that would allow them to make their own decisions as to whether or not they pay union dues and fees.

TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS*:

- Free millions of workers – public school teachers included ? 3 from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-Janus ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer*
tim@edreform.com | (443) 532-2445

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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PRESS RELEASE

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Advocates call for policies that support Ohio's workers

Contact: [Hannah Halbert](#)
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Later this month, the U.S. Supreme Court will hear Janus v. AFSCME, which threatens the ability of unions to collect fair share fees. Ohio legislators also recently unveiled a slate of proposals designed to give more power to corporations at the expense of workers, including so-called "right to work" legislation, which could greatly reduce the power of Ohio's unions. With working people facing threats at state and national levels, Policy Matters Ohio joined ProgressOhio to unveil a [new policy brief, "A way forward: 10 ways to support Ohio's working people."](#)

"So-called 'Right-to-Work' legislation and related judicial attacks like the pending Janus case don't address these real struggles of working people," Policy Matters Researcher Hannah Halbert said. "Unionized workers in Ohio make \$4 an hour more than their non-union counterparts, \$8,000 more a year for full-time work. Union workers are more likely to have pensions and paid sick days, and less likely to be treated unfairly at work or experience harassment or workplace injuries."

Cincinnati fire fighter and Ohio Association of Professional Fire Fighters Communications Director Doug Stern said so-called right-to-work laws not only chip away at the fabric of unions, but can make communities less safe.

"Attacks like these on working people and unions are attacks on fire fighters, police officers and all first responders, he said. "Our fire fighters and police officers deserve the right to collectively bargain so that we can effectively advocate for the training and equipment that keep our communities safe."

For decades, state and federal policymakers have chipped away at worker protections. As a result, Ohio's job growth has been weak and the state's wealthiest 1 percent earned more than 19 times the average of the bottom 99 percent of earners combined.

"The decline of unions has significantly contributed to the decline of the middle class as wages have remained stagnant and workers are getting a smaller and smaller share of income," said Wright State University Economics Professor Rudy Fichtenbaum. "Attacks on unions are not about increasing job growth; they're about corporations and the political elite gaining power over workers."

Policy Matters calls for the policymakers to protect workers' right to organize, as well as strengthen the public sector, raise the minimum wage, restore the 40-hour work week, fix Ohio's broken unemployment compensation system and more.

[See the press conference on Facebook Live.](#)

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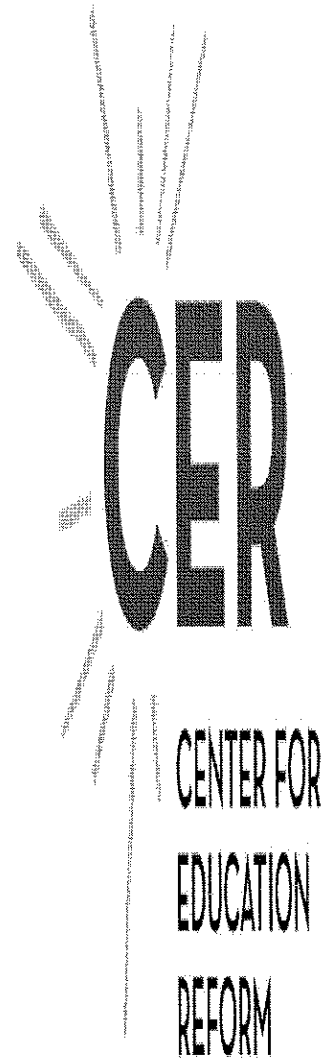
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The FORM Group

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Subject: Employee Freedom on Trial Monday

MEDIA ADVISORY
Friday, February 22, 2018



CONTACT

Christina Mazzanti, Dir., Communications
christina@edreform.com
(202) 750-0016

Monday: US Supreme Court hears arguments on worker freedom

Janus v. AFSCME decision, whether favorable or not, will have wide-ranging implications for public-sector union employees and education at large

(Washington, D.C.) - On Monday the U.S. Supreme Court hears oral arguments in *Janus v. AFSCME*. The significance of this case cannot be overstated; the decision could potentially restore the freedom of public employees to choose how they want their hard-earned paychecks spent, and might put decisions about voluntary union membership back into the hands of the employees themselves.

According to the Manhattan Institute, the decision can affect 5 million public workers across 22 states including California, Illinois, and New York.

The case results will also have implications for the quality of education we deliver to our children. The teachers unions fight hard to protect mediocrity, even in failing schools, and support policies that keep ineffective teachers in the classroom, a taken-for-granted practice which in turn discourages more quality entrants to the profession.

Union demands for teachers to all behave and comply with fixed rules about how schools are run stifle innovation.

The largest teachers unions in the U.S., the National Education Association and the American Federation of Teachers, are also among the largest political donors of all time, together spending the second most in political donations nationally. Many of the policies and politicians they support, and programs they seek to have implemented prevent children from escaping failing schools and deny parents their due power to determine which education best meets the needs of their children.

Leaders on both sides of the argument will be at the Supreme Court Monday. CER and its leadership will be on site to arrange interviews, and CER Founder & CEO Jeanne Allen will be available for comment. For more, contact Christina Mazzanti at (202) 750-0016 or christina@edreform.com, and for information on location

Monday contact Patrick Korten at (202) 288-4307 or
patrick.korten@kortenmedia.com.

###

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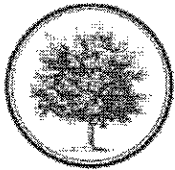
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FOR IMMEDIATE RELEASE

February 24, 2018

The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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"Today we witnessed the First Amendment in action. Individuals who support unions joined together at a rally to freely express their opinions. But what if instead of rallying and voicing their own opinions, they were forced to pay for the speech of those who oppose

unions or else they would be fired? That would be unfair, not to mention violate the First Amendment. Mark Janus and public employees in many states including Ohio face exactly that kind of predicament.

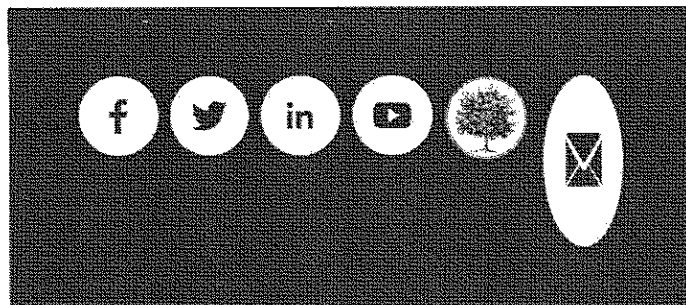
"On Monday, we will once again watch the robust protections of our constitutional system in action as Mr. Janus' case is heard before the Supreme Court of the United States. If Mr. Janus prevails, public employees will no longer be forced to pay for political speech with which they disagree, thus ending the violation of their First Amendment rights.

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

###

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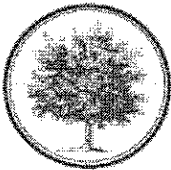
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In a **piece for National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Déjà vu All Over Again

National Review

By Robert Alt

February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

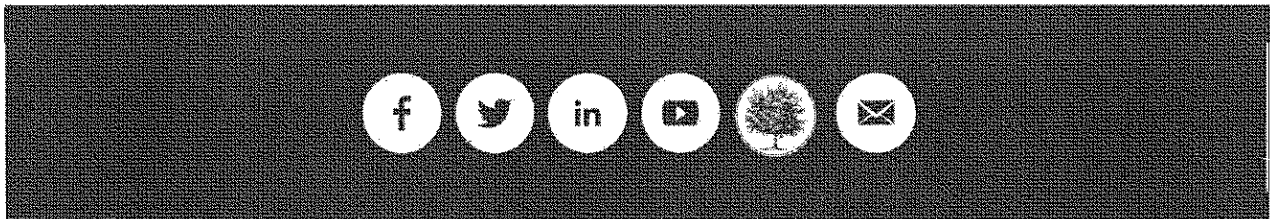
This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

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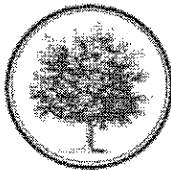
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FOR IMMEDIATE RELEASE
February 26, 2018

After Attending Oral Arguments in Janus v. AFSCME, Buckeye's Robert Alt Reacts

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy

is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.

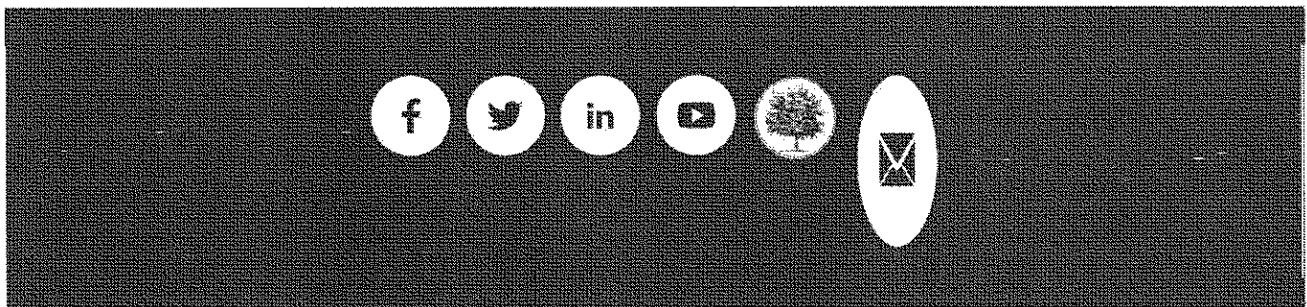
"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

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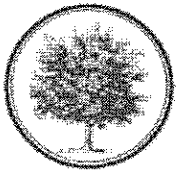
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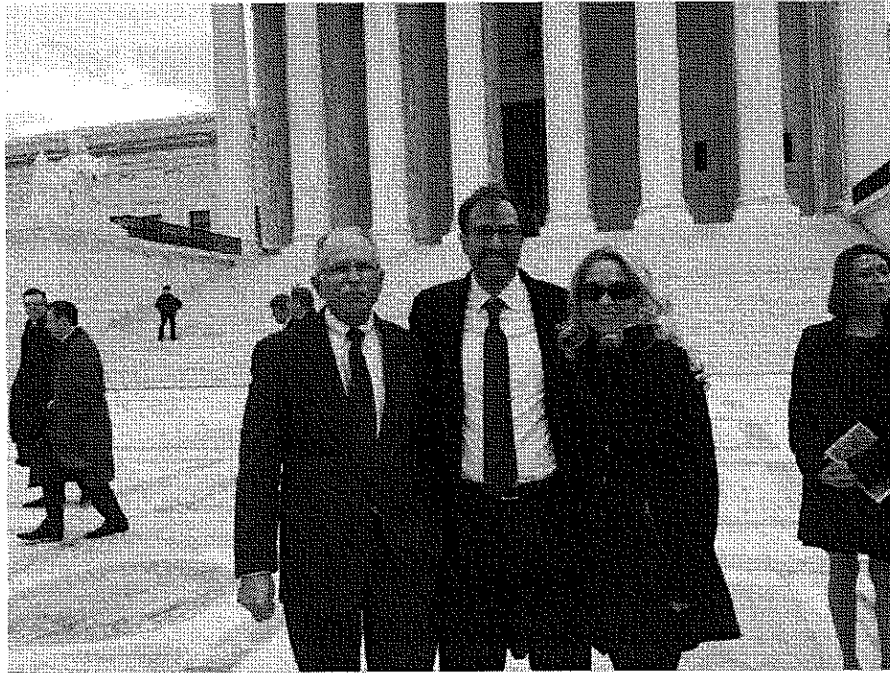
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THE BUCKEYE INSTITUTE

Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally** in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

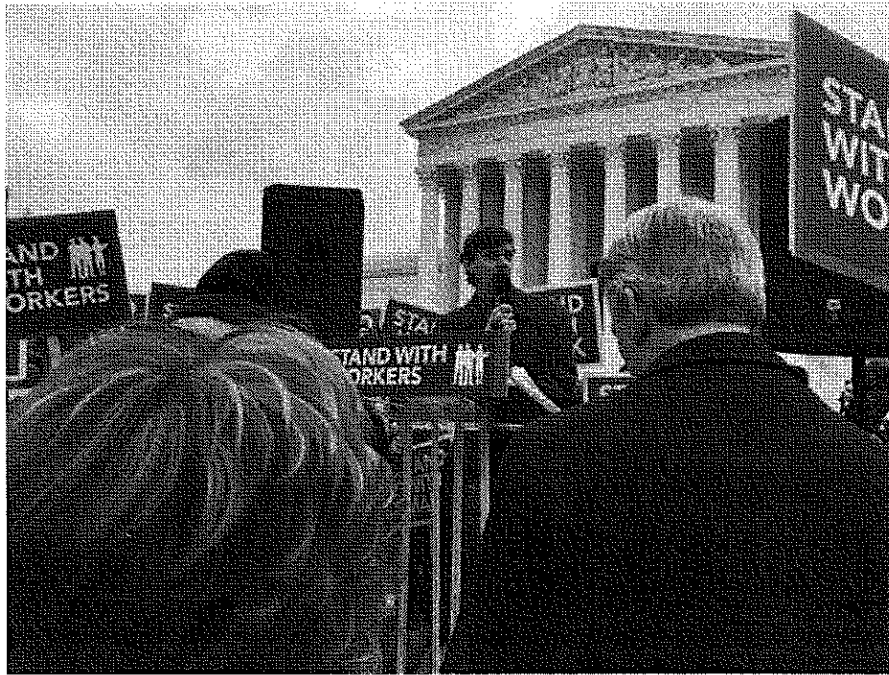
After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



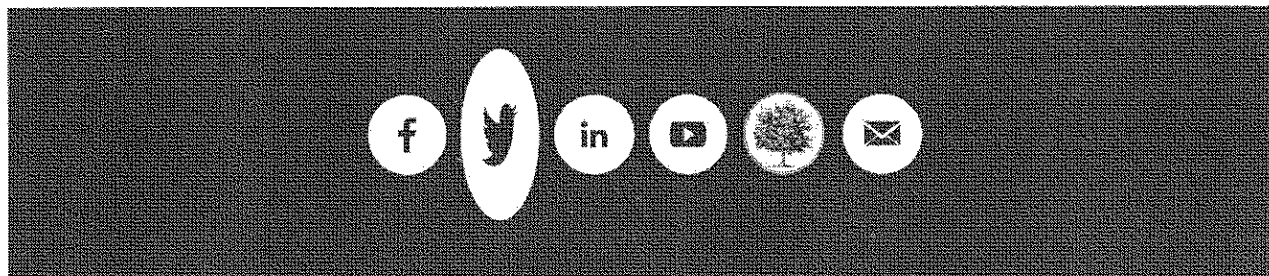
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

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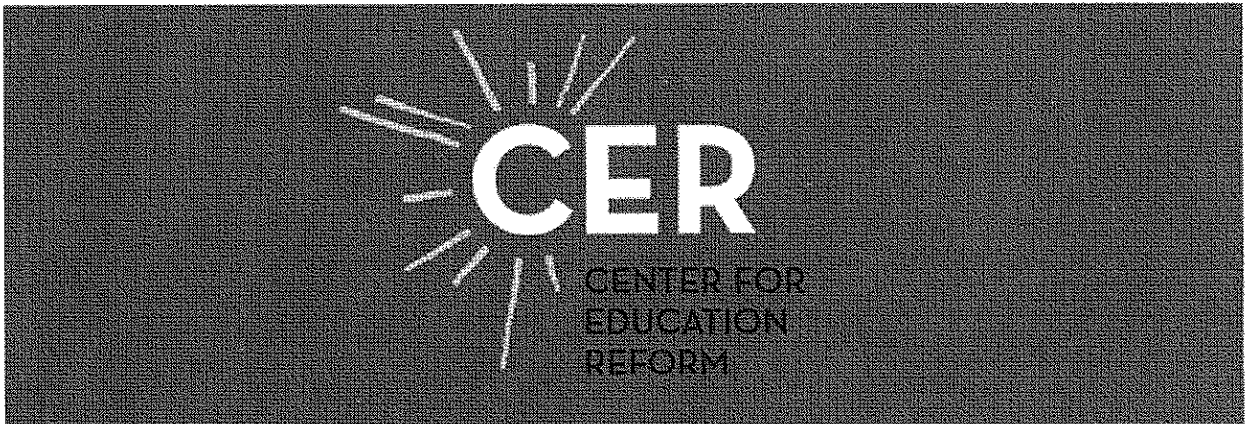
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May 8, 2018

National Charter Schools Week 2018, Day 3:

The UNIONS, and their impact on Teachers

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it ~~is~~ "jeopardize[s] student success, undermines public education and harms communities" and thus they must "arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth."

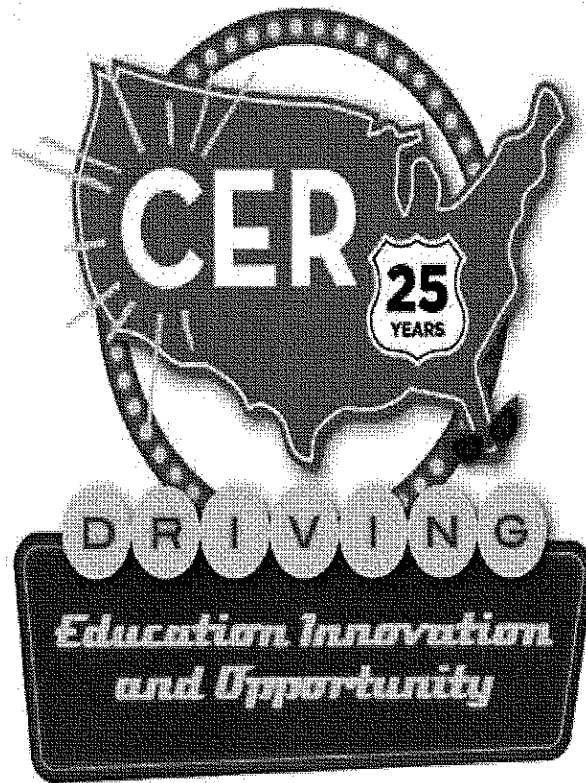
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstring those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of [#CharterSchoolsWeek](#), that's worth celebrating!



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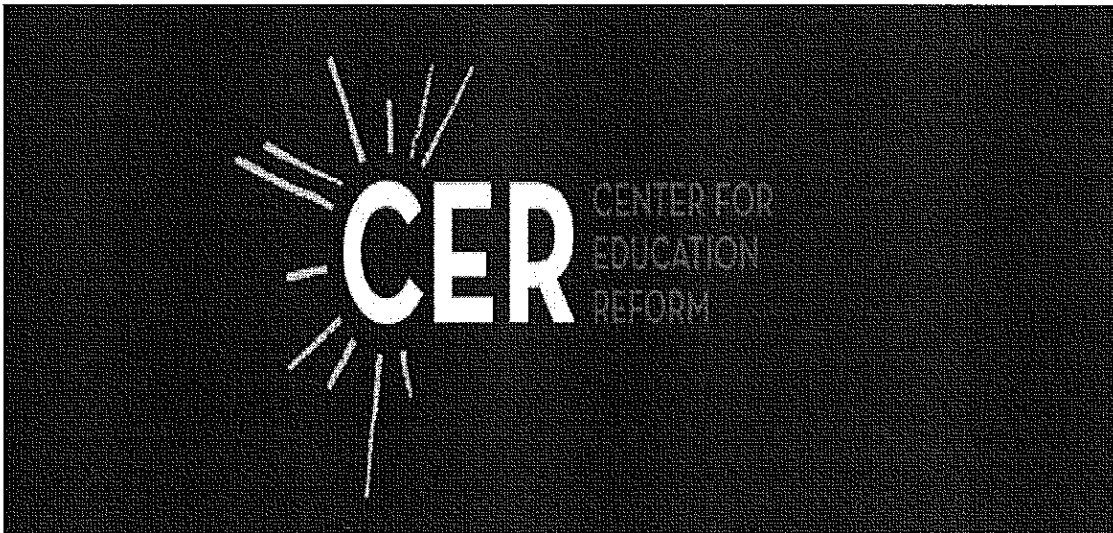
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PRIMARY DAY. It's a great reminder of what's at stake, and a time for all to exercise their right to vote, not to mention their responsibility to know what it is they are voting for. A little [civics knowledge](#) courtesy of the Bill of Rights foundation might help you or your class, now and in the future to understand what it is we can all achieve if we focus on the issues. Let's start (and end) with education, a core function of any Governor. Today Texas, Georgia and Arkansas will nominate candidates for Governor to elect in November. In all, 36 states and 3 territories will elect state execs this year. Get to know what you should be asking and thinking now. CER's handy-dandy voter's

guide Education 50 is chock full of information to guide you and will be an up-to-date analysis of all major state races for November's final contests.

MORE UNION DISSENT. This time in South Carolina. Dubbed a "mobilization", the rally at least took place on a Saturday when the livelihood of the children was not at stake. Want more money and benefits? Teachers should get up to speed on what's really preventing that from happening. (Hint: It's not education reform).

BAIT & SWITCH. The media have been hoodwinked clearly by catchy surveys conducted by the Louisiana Federation of Teachers claiming a majority of teachers support their strikes and demonstrations. Take a look at this loaded question they used to stir the pot. Again, teachers should ask themselves, what has the union done lately to ensure that school spending reaches the classroom, to reduce their dues, to reduce pension costs, ensure that salaries not be topped off at the end of a teacher's career, and that greatness is rewarded, while mediocrity is not? The reality is that most teachers don't know how they are paid, or why.

[illegible]

SPEAKING OF GRADUATES, Michigan's charter schools are forcing some who have long used flawed data to condemn Detroit charters to eat their words. Turns out that with struggle comes progress (as one of our friends would say). A dollar spent by a Detroit charter yields 2.5x lifetime earnings, according new a new report by the Mackinac Center. Indeed 8 of the 10 top high schools in Detroit for college enrollment were charter schools. Despite the

good news, the Gubernatorial Democratic frontrunner in Michigan announced earlier this month his "war on charter schools." Shri Thanedar is campaigning on a plan to ban most Michigan charter schools. His competitor Gretchen Whitmer is following his lead.

ILLINOIS CHOICES UNDER ATTACK, TOO. Political efforts motivated by stiff teacher union pressure threaten the elimination of the successful Invest in Kids Act program, despite its popularity and necessity. Empower Illinois received 24,000 applications as soon as its scholarship program went live, causing its website to crash, and is up to 50,000. The state tax credit program is decried by the teachers' union because it's a policy that supports educational alternatives. So as the unions work to pull teachers out of school they are also trying to stop kids from going to schools that meet their needs. Go figure.

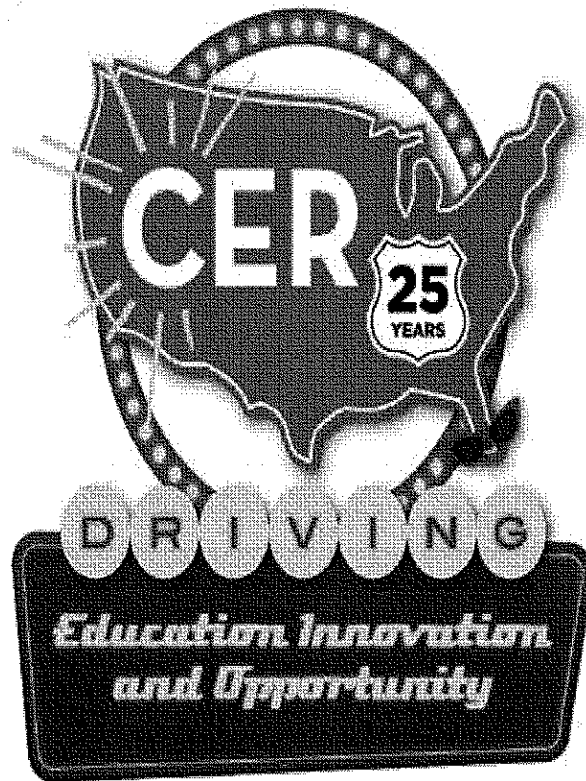
FLORIDA DISTRICTS FIGHT equality for kids while they deny charter public schools their equal right to property tax money.

DESPITE FAILURE & SAFETY ISSUES, the head of the National Education Association (NEA) is galloping into Kentucky to the fight proposed state takeover of Jefferson County Public Schools.

LET US PRAY. THE MUCH-ANTICIPATED SCOTUS *JANUS v.*

AFSCME RULING in late June could mean a seismic shift for teachers' unions. With the strong possibility of a ruling Mark Janus' favor, releasing non-union teachers from mandatory fees, the nation's largest teachers' union, the National Teachers Association (NEA) has announced a projected loss of 300,000 members over two years and accordingly, a proposed annual budget reduction of \$50 million. For more details and analysis on the case and how its outcome will affect all educators and students, listen to this Monday's Reality Check with Jeanne Allen with guest Colin Sharkey, executive vice president of the Association of American Educators.

Check out this week's [Reality Check w/Jeanne Allen](#) for an interview with North Carolina charter school leaders about the strikes and their prescription for success.



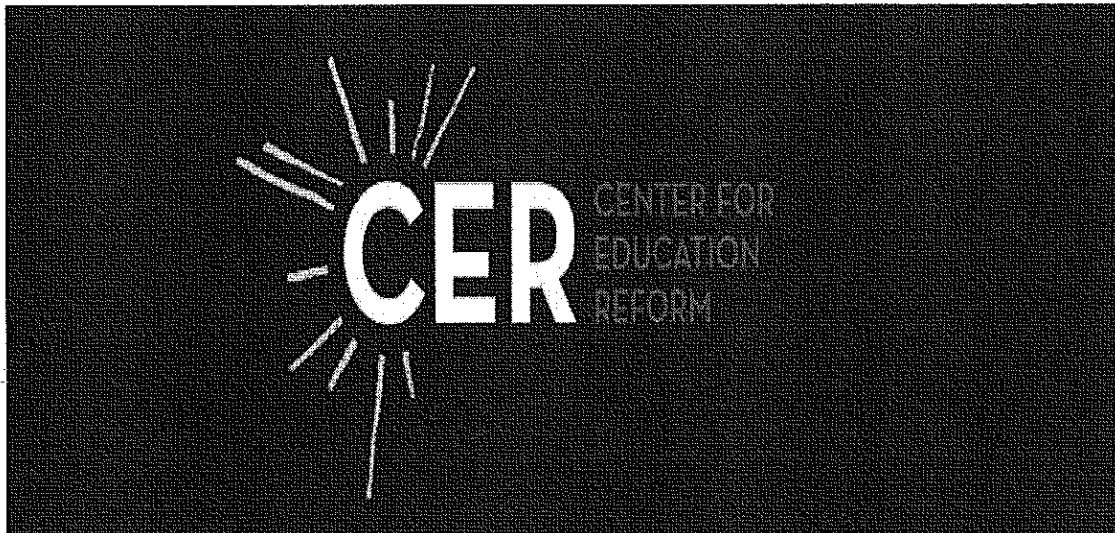
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POLITICS AS UNUSUAL. "A subterranean divide among Democrats between backers of teachers unions and those of charter schools and other education innovations is helping shape key gubernatorial primaries..." so reports the AP. Charter schools and edreform have long been backburner issues in political campaigns, but in some places a tipping point has been reached. In Colorado, for example, tension has been building over education for months; activists tried to forbid the group Democrats for Education Reform, which backs candidates who support innovations like charter schools and evaluations, from

using the party's name in its title. Some of this strife is being driven the teachers unions. [Read more here.](#)

PERSONALITY POLITICS. The *NY Times* [posits](#) that because Ed Secretary Betsy DeVos is allegedly such a polarizing figure her support for charter schools actually does more harm to the charter movement than good. "One survey of views on charter schools found... ..the president and his education secretary are so disliked by liberals that some will automatically reject whatever they endorse." While that isn't surprising, it is unfortunate and has spawned a narrative of negativity that is doing a terrible disservice to charters specifically and ed opportunities and innovations generally.

NEW YORK POLITICS. A *NY Post* [editorial](#) lays it on the line for NY Schools Chancellor Richard Carranza. If he truly wants to mend fences with the city's high-performing charter schools and their leaders, he can start by granting long-languishing space requests and also end an injustice that NY1 exposed this week: discrimination by the Committee on Special Education 1 against kids who attend Success Academy (it's been slow-walking requests for Success Academy students, and even unfairly denying services). [Continued...](#)

SOMEBODY'S GOTTA STAND UP. Last week *The Las Vegas Review-Journal* ran a piece about how Nevada's Clark County School District had created a new marketing position to sell the district's schools to parents and slow the exodus of student to charter schools. We responded with a letter to the editor, which reads in part "The [district's] goal should not be 'How do we convince families not to leave?' It should be 'How do we provide learning experiences and results that make them want to stay?'" Read the letter in its entirety [here](#).

AND WHILE WE WE'RE AT IT. How do we say this politely....? We've just about had it Valerie Strauss' attempts at journalism, and with the people she quotes and whose opinions she offers up as "proof" that public education is

under attack by dark forces who want to “privatize” schools. So we fired off a letter to *The Washington Post* too.

CONFIRMATION. One of the comments you often hear from parents who choose to send their children to charter, or private schools is the simple desire to ensure their kids are safe – which, sadly, is often not the case in the schools that many children attend. But are those desires met? According to an analysis of the second-year results of the federal evaluation of the D.C. Opportunity Scholarship Program (the federally funded scholarship program that allows low-income families in D.C. to use public education dollars to cover private-school tuition for their kids) by *The Hill*, the answer is a resounding yes! Get the facts.

GOOD NEWS? Later this month the Baltimore School Board will consider applications for six new charter schools. Unfortunately, the same school board has consistently cut its budget for the city’s existing 34 charter schools (which serve about 20 percent of Charm City’s 80,600 public school students). Adding insult to injury, there’s a new funding formula that has charter schools paying the district millions of dollars for services previously covered by the school system. Nicole Harris-Crest, ED of the Maryland Alliance of Public Charter Schools, said the cuts and new rules made for a pretty tough environment for starting a charter school. “But,” she added, “it adds additional people to the movement to fight for equitable funding.” It= 2s time the state legislature or the courts step in to make to make the playing field more level for charters and traditional public schools alike.

ON CHEERIER NOTES. Check out these two stories on charter schools. First the CBS Morning News story on Basis Independent Silicon Valley, which has captured the top five spots on U.S. News and World Report’s list of the best high schools and where students are required to take at least seven AP courses, beginning as early as eighth grade (*and some take as many as 20*). And do yourself a favor by reading *“A change of schools changed everything”* by valedictorian of the 2018 graduating class of PACE Career

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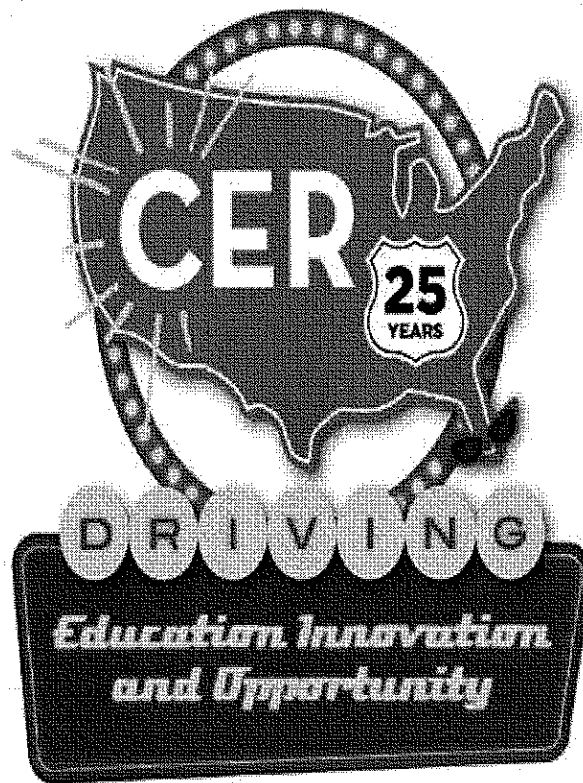
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Academy in Allentown, NH. It's a great personal testament to all the things that are the foundation of innovations and opportunities that are charter schools.

TIME FOR A REALITY CHECK. In a lifetime of amassing experiences and diverse avenues of success, Bill Walton, founder and chairman of the private equity firm Rappahannock Ventures, has been driven by one defining theme, "I've always been interested in the barriers to change." A lifelong learner, Bill is an entrepreneur, education reformer, supporter of the arts, and is a feature film and documentary producer. Bill and his wife Sarah developed an entire French and Spanish language curriculum, Language Odyssey. Since then, he has been passionate in the belief that, "A free market in education rather than government-run schools is the ideal system for every child to flourish in." Listen online at <https://www.edreform.com/realitycheck/>.

TICK-TOCK. The clock's winding down, and decisions are being handed down, as the end of this session of the Supreme Court draws to a close. Before it's all over there'll be a decision on Janus v. AFSCME which, if it goes as anticipated (in favor of Janus) will have a huge impact on the power of the teacher's union. For all the latest news, and up-to-the-minute comment, visit edreform.com or go to <https://standwithworkers.org/>.



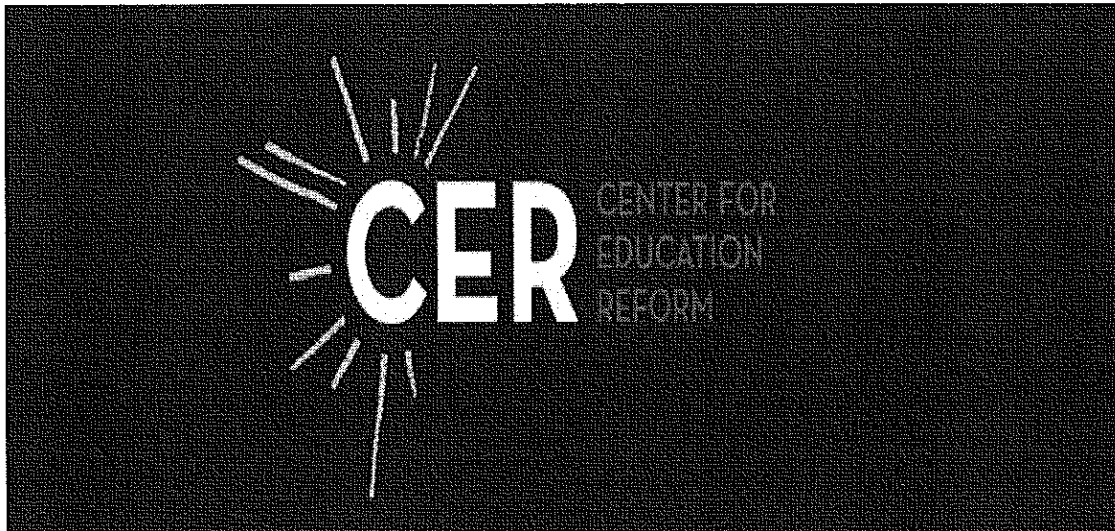
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COUNTDOWN TO CER'S 25TH ANNIVERSARY SUMMIT... it may seem early, but October will be here before you know it, so make your plans now to join CER on October 25-26 in Miami for its Silver Anniversary Summit & Celebration "The Road to Innovation for ONE America." One of the features of the gathering will be our honoring of some of the pioneers of the education reform movement who will be on hand for the event, including Tommy Thompson. As Wisconsin's governor (from 1987-2001) Thompson was one of first high-profile champions of education reform pushing for the creation of the country's first parental school-choice program, which provided Milwaukee families with a voucher to send children to the private or public school of their

choice. He did other great things as governor, too (e.g. welfare reform), and went on to build a remarkable career of public service, including a stint as Secretary of Health and Human Services under George W. Bush, but he'll always be tops in our book for his commitment to, and success in, achieving substantive education reform.

MEANWHILE BACK AT THE RANCH... Last Sunday night NBC News aired a charter school story that argues charters are increasingly geared to support "white flight." If the claims weren't so outlandish and unfounded, it would be laughable. The producer, who was incredibly open to receiving information countering these allegations, based his report on an analysis performed by the Hechinger Report. In one of the documents CER supplied, we demonstrated Hechinger's bias against charter schools, as well as the folly of the argument. [Read more...](#)

A DOUBLE DOSE OF REALITY... This week Jeanne Allen interviewed [Erica Komisar](#), author of "Being There: Why Prioritizing Motherhood in the First Three Years Matters." Based on more than two decades of clinical work and breakthrough neurobiological research on caregiving, attachment and brain development, her book challenges established concepts (and myths) of infant resiliency, 'having it all' and even the definition of feminism. One thing this book is not about is quitting your job. "It's not about working vs. not working – it's really a book about more is more." Also on Reality Check, an attorney for Mark Janus from the [Liberty Justice Center](#) shares his thoughts on the likely outcome of the high court's pending decision.

Find the podcasts at edreform.com/realitycheck and on [National Review](#).

WHEN IT RAINS IT POURS... Just as the AFT and NEA are bracing for the ruling from SCOTUS in the Janus v. AFSCME case, [teachers in New York state have filed a class-action suit](#) claiming (correctly, we might add) that they are being illegally forced to cough up union dues even if they're not union members. This is in response to NY's new law, signed by Gov. Andrew Cuomo

last April, mandating that all teachers pay a New York State United Teachers "agency fee" regardless of their membership status. Supporters say all teachers benefit from pay hikes and perks secured by the union and should subsidize those efforts. In a suit filed Thursday the two teachers who brought the case say (correctly, we might add) that they oppose "NYSUT's political advocacy and collective bargaining activities" and shouldn't have to fund them. Yep.

In Other News...

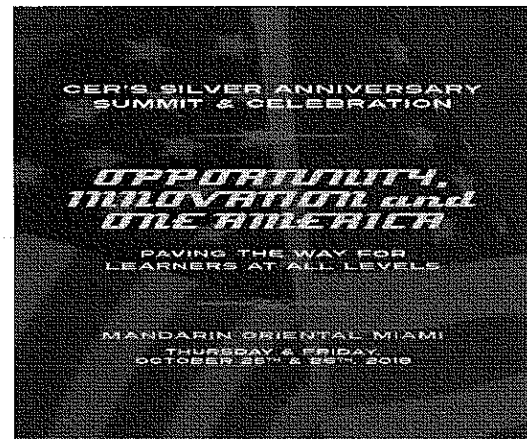
MORE THAN REASONABLE... The Reason Foundation has put out a great piece on school funding. Although titled "Five Recommendations to Solve LAUSD's Looming Fiscal Crisis" its applicable, in parts or in whole, to school funding crises around the country and is worth the read.

SUNSHINE STATE SUCCESS... Former Florida Senate Education Chairman, John Legg, recently summed up Florida's great, new K-12 scholarship program. "... [it] is conceptually reminiscent of the free tutoring programs developed by bipartisan education advocates under the federal No Child Left Behind Act. This scholarship is driven by the educational principle that children must learn to read so they can then read to learn." Notably the program doesn't try to simply thread more money into district elementary reading budgets but instead provides a reading scholarship, which gives parents the decision on how to spend it. And why is that a better approach, Legg was asked: "The parent is the most influential person in the child's life."

A PROGRESSIVE POINT OF VIEW... Also of note this week, a passionate op-ed on educational opportunity for all, titled "Progressive, affluent parents who send their kids to good= schools shouldn't deny others that right." An excerpt: "Simply put, I'm a progressive. So it troubles me deeply to hear self-styled progressives attack educational options that other parents choose for their children. Worse, these attacks on the educational choices that lower-income parents and parents of children with special needs make almost always

come from progressives of higher means. We have a recommendation for that: Check your privilege. I support educational choice for all. Educational options have existed for the wealthy for as long as anyone can remember. What's controversial is when we suggest that those same options should be open to everyone." Amen.

Don't forget! Meet us in Miami Oct. 25-26 for our Silver Anniversary Summit + Celebration. More info at edreform.com.



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